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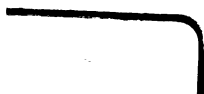
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In the Press,

A TREATISE on the LAW of BOROUGHs and CORPORATIONS, deduced from the earliest to the present Times; and including their General History, the History, Origin, and Law of the Right of Election, and of the King's Prerogative in granting Charters; as well as the binding Effect of Charters and By-Laws; and the Power of Corporations to admit Freemen; with an Appendix of Records and Charters illustrative of these Points. By H. A. MEREWETHER, Esq. of the Inner Temple, Barrister at Law, Author of "The Sketch of the History of Boroughs, and the Report of the West Looe Election Case."

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The LAW and PRACTICE of MANDAMUS. By W. J. IMPEY, Esq. of the Inner Temple.

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SUMMARY
OF THE LAW RELATIVE TO THE
Election
OF
MEMBERS OF PARLIAMENT.

WITH AN
APPENDIX,
CONTAINING FORMS OF PETITIONS, AND THE ENGLISH, IRISH,
SCOTCH STATUTES ON THE SUBJECT,
IN CHRONOLOGICAL ORDER.



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IN the summary of the law of elections which precedes this collection of the statutes, the author has endeavoured to compress whatever matters he deemed of most practical importance, into as small a compass as might consist with clearness, and to present a concise statement of the points of law which most frequently arise, either at the hustings or before a committee. It was thought more convenient to state in the summary what the author conceived to be the effect of the provisions of the statutes, and in some instances merely to refer to them, than to insert extracts from them ; because the subject being thus relieved from the lengthened and technical phraseology of the legislature, is communicated more familiarly to the reader ; and the statutes themselves are added in the appendix, that the words of the legislature may be resorted to when required for the purpose of reference or citation.



TABLE OF CONTENTS.

	Page.
CHAP. I.	
Of the Elective Franchise generally	1
CHAP. II.	
Of the Elective Franchise for Counties	5
I. Of the nature of the freehold	6
1. Of freehold tenure	<i>ib.</i>
2. Of freehold interest	7
3. Of equitable freeholds	12
II. Of the annual value of the freehold	15
III. Of the year's possession	17
IV. Of the assessment of the freehold to the land tax	20
And exemptions therefrom	25
CHAP. III.	
Of the Elective Franchise for Cities, Towns, and Boroughs	29
I. In respect of property, as—	
1. Freeholders	30
2. Leaseholders	<i>ib.</i>
3. Copyholders	31
4. Burgage tenants	<i>ib.</i>
II. In respect of corporate privileges	36
III. In respect of inhabitancy, as—	
1. Inhabitants paying scot and lot	39
2. Inhabitants, householders, housekeepers, potwallers, legally settled	44
3. Inhabitant householders resiant	45
4. Inhabitants	46

TABLE OF CONTENTS.

	Page.
CHAP. IV.	
Of Votes thrown away and lost	47
CHAP. V.	
Of Violations of the Freedom of Election	50
I. By bribery and treating	51
II. By military interference	56
III. By riots	57
IV. By interference of peers and government officers	ib.
CHAP. VI.	
Of Members of the House of Commons	58
I. Of persons not competent to be members of the house of commons	ib.
II. Of the qualification of members of the house of commons	61
CHAP. VII.	
Of the Writ and Proceedings before and during the Election.	63
Of the issuing the writ for a general election	ib.
To supply a vacancy	ib.
Delivery of the writ	64
Of the duty of returning officers for counties after receipt of the writ and before the election	65
Of the duty of returning officers for cities and towns which are counties of themselves after receipt of the writ and before the election	66
Of the duty of returning officers for boroughs and towns after delivery of the precept and before the election	67
Of the duty of returning officers during the election	68
Of the return to the writ	76
CHAP. VIII.	
Of Election Petitions	79
Of the different sorts of petitions and those who may present them	80
CHAP. IX.	
Of the time and manner of presenting Petitions	82
CHAP. X.	
Proceedings of the House in the Selection of the Committee	85

TABLE OF CONTENTS.

iii

Page.

CHAP. XI.

Proceedings of the Committee on the trial of the Petition	87
Statement of the case	91
Parties before the committee	95
Counsel	ib.
Order of hearing	96
Of matters of evidence relating to election petitions.	
I. Of the poll	97
II. Of minutes of committees	102
III. Of private documents	103
IV. Of agency	104

CHAP. XII.

Of the Report of the Select Committee.	
I. Of petitions voted frivolous, vexatious, or corrupt	107
II. Of reports as to the right of election, or of choosing returning officers	109

APPENDIX.

Writs, &c.	i
Petitions	iv
Statutes	x
Part. I. General Statutes.	
Part. II. Particular Statutes for Ireland and Scotland.	

PART I.

	Page.		Page.
5 Ric. 2. st. 2. c. 4.	x	5 W. M. c. 7	xxvii
7 Hen. 4. c. 15	xi	5 W. M. c. 20	xxvii
11 Hen. 4. c. 1	xi	6 W. M. c. 2	xxviii
6 Hen. 6. c. 4	xii	7 W. 3. c. 4.	xxix
8 Hen. 6. c. 7	xiii	7 8 W. 3. c. 7	xxx
10 Hen. 6. c. 2	xiv	7 8 W. c. 25	xxxii
23 Hen. 6. c. 14	xiv	10 11 W. 3. c. 7	xxxv
6 Hen. 8. c. 16	xvii	11 12 W. 3. c. 2	xxxvi
27 Hen. 8. c. 26	xviii	12 13 W. 3. c. 3	xxxvii
24 35 Hen. 8. c. 13	xix	12 13 W. 3. c. 10	xxxix
35 Hen. 8. c. 11	xx	23 Ann. c. 18	xl
25 Car. 2. c. 9	xxii	6 Ann. c. 7	xli
30 Car. 2. st. 2. c. 1.	xxiii	6 Ann. c. 23	xliv
2 W. M. ss. 1. c. 7	xxvi	9 Ann. c. 5	xlvi

TABLE OF CONTENTS.

	Page.		Page.
9 Ann, c. 10	— xlvii	21 Geo. 3. c. 54	— cxv
9 Ann, c. 11	— xlviii	22 Geo. 3. c. 31	— cxix
9 Ann, c. 20	— xlviii	22 Geo. 3. c. 41	— cxxi
10 Ann, c. 19	— xlix	22 Geo. 3. c. 45	— cxxii
10 Ann, c. 23	— l	24 Geo. 3. c. 26	— cxxv
12 Ann, c. 5	— liii	25 Geo. 3. c. 84	— cxxviii
12 Ann, st. 1. c. 15	— liv	26 Geo. 3. c. 100	— cxxxiv
1 Geo. 1. c. 38	— liv	28 Geo. 3. c. 52	— cxxxv
1 Geo. 1. st. 2. c. 56	— lv	30 Geo. 3. c. 35	— cxlvii
11 Geo. 1. c. 18	— lvi	32 Geo. 3. c. 1	— cxlix
2 Geo. 2. c. 24	— lxi	33 Geo. 3. c. 64	— cli
3 Geo. 2. c. 8	— lxiv	34 Geo. 3. c. 73	— cli
6 Geo. 2. c. 23	— lxv	34 Geo. 3. c. 83	— clv
8 Geo. 2. c. 30	— lxvi	36 Geo. 3. c. 59	— clvi
9 Geo. 2. c. 38	— lxviii	39 Geo. 3. c. 6.	— clviii
11 Geo. 2. c. 24	— lxix	39 Geo. 3. c. 94.	— clviii
13 Geo. 2. c. 20	— lxxi	39 40 Geo. 3. c. 97	— clix
15 Geo. 2. c. 13. s. 8	— lxxii	41 Geo. 3. c. 52	— clix
15 Geo. 2. c. 22	— lxxii	41 Geo. 3. c. 63	— clxiii
18 Geo. 2. c. 18	— lxxiii	42 Geo. 3. c. 62	— clxiv
19 Geo. 2. c. 28	— lxxix	42 Geo. 3. c. 84	— clxvi
31 Geo. 2. c. 14	— lxxxv	42 Geo. 3. c. 116	— clxix
33 Geo. 2. c. 20	— lxxxvi	43 Geo. 3. c. 74	— clxx
3 Geo. 3. c. 15	— lxxxviii	47 Geo. 3. c. 1	— clxxi
3 Geo. 3. c. 24	— lxxxix	49 Geo. 3. c. 118	— clxxii
10 Geo. 3. c. 16	— xciii	51 Geo. 3. c. 99	— clxxiv
10 Geo. 3. c. 41	— xcix	52 Geo. 3. c. 144	— clxxv
10 Geo. 3. c. 50	— c	53 Geo. 3. c. 49	— clxxvii
11 Geo. 3. c. 42	— ci	53 Geo. 3. c. 71	— clxxvii
11 Geo. 3. c. 55	— ciii	53 Geo. 3. c. 89	— clxxxv
12 Geo. 3. c. 21	— cv	55 Geo. 3. c. 72	— clxxxvii
14 Geo. 3. c. 15	— cvi	59 Geo. 3. c. 37	— clxxxviii
14 Geo. 3. c. 58	— cvii	3 Geo. 4. c. 55	— clxxxix
20 Geo. 3. c. 17	— cviii		

TABLE OF CONTENTS.

v

PART II.

Particular Statutes for Ireland and Scotland.

IRELAND.

	Page.		Page.
33 Geo. 3. c. 21	— cxci	45 Geo. 3. c. 59	— ccli
35 Geo. 3. c. 29	— cxcvii	47 Geo. 3. c. 14	— ccclviii
37 Geo. 3. c. 47	— ccxxiv	51 Geo. 3. c. 77	— ccclxi
39 40 Geo. 3. c. 67	— ccxxix	Oath of Allegiance	— ccclxv
40 Geo. 3. c. 80	— ccxxix	60 Geo. 3. c. 7	— ccclxvi
41 Geo. 3. c. 52	— ccxxxii	1 Geo. 4. c. 11	— ccclxvii
41 Geo. 3. c. 101	— ccxxxvi	1 2 Geo. 4. c. 58	— ccclxxxix
42 Geo. 3. c. 106	— ccxxxvi	4 Geo. 4. c. 55	— ccxcii
43 Geo. 3. c. 25	— ccxlix		

SCOTLAND.

	Page.		Page.
5 Ann, c. 8	— cccxxix	7 Geo. 2. c. 16	— ccclxiv
6 Ann, c. 6	— cccxxxii	16 Geo. 2. c. 11	— ccclxvii
6 Ann, c. 23	— cccxxxiv	14 Geo. 3. c. 81	— ccclxiv
12 Ann, c. 6	— cccxl	35 Geo. 3. c. 65	— ccclxv
1 Geo. 1. c. 13	— cccxlii	37 Geo. 3. c. 138	— ccclxvii

Note.—In page 3, the statutes referred to in notes (J) and (T) have expired, and their provisions are re-enacted by 3 G. 4. c. 55. s. 14.



A SUMMARY

OF THE

LAW OF ELECTIONS.

CHAP. I.

Of the Elective Franchise.

THE right of voting for the choice of representatives to serve in Parliament, depends upon different qualifications, according to the different places for which it is exercised, but there are certain causes of disability which are attached to the person, and exclude those whom they affect from exercising the franchise any where.

The elective franchise does not extend to infants; ^(a) Of persons not qualified to vote. nor women; ^(b) nor aliens, ^(c) unless made denizens by letters patent, or naturalized by Act of Parliament; ^(d) nor idiots; ^(e) nor lunatics, except during lucid intervals; ^(f) but mere imbecility is not a sufficient exclusion, if the voter at the time understands what he is doing. ^(g) Papists in Great Britain are disabled if they *refuse* the oaths of allegiance, supremacy, or abjuration. ^(h) Persons convicted of felony are disqualified, ⁽ⁱ⁾ so of perjury and subornation of perjury; ^(k) so of bribery; ^(l) but the mere declara-

(a) 7 & 8. W. 3. c. 25, s. 8.

(b) 4 Inst. 5.

(c) 12 Jour. 387. See 2 Peck, 117.

(d) Foreign seamen, who in time of war serve two years on board an English ship, by virtue of the King's proclamation are naturalized, 13 G. 2. c. 3. So foreign Protestants and Jews having resided in any of the American colonies without an absence of two months at a time, *ibid.* c. 7. So foreign Protestants serving two years in the army there, 2 G. 3. c. 25. Or serving three years in the whale fishery, and properly qualifying themselves by taking the necessary oaths, either in the superior

Courts, or the Quarter Sessions, 22 Geo. 2, c. 45, s. 8, 11, 12. and not afterwards absenting themselves from the King's dominions for more than one year. All the above persons are liable, however, to the exceptions in the 4th of G. 2, c. 21, as to the children of persons attainted of treason, and of those in the service of princes in enmity with the British Crown.

(e) 1 Hey. 259.

(f) 27 Journ. 177. 1 Hey. 261.

(g) Bridgewater, 1 Peck, 108.

(h) See Bedford, 2 Lud. 567.

(i) 1 Peck, 508.

(k) 2 G. 2, c. 24, s. 6.

(l) 2 G. 2, c. 24, s. 7.

Of persons
not qualified
to vote.

tion by a Committee, that a person has been guilty of bribery, will not operate as a disqualification.^(a) Where the Committee has specially reported to the House the names of certain electors who had taken bribes, an Act of Parliament has been passed for their disfranchisement by name.^(b)

Whether outlawry in civil suits, or excommunication, creates a disability, has not yet been determined.^(c)

Some are excluded for the purpose of securing the freedom of election, as Peers;^(d) Irish Peers, except when members of the House of Commons themselves.^(e) Revenue officers are disqualified. As commissioners and others concerned in managing the duties of excise or customs, or the duties on stamps, salt, windows, or houses, or in managing the revenue of the post-office, as well as captains or mates of mail packets;^(f) but commissioners of the land-tax, and persons acting under them, are excepted from disqualification,^(g) as well as those holding freehold offices by letters patent.^(h)

The occasional employment, during the sickness or absence of excise officers, of a person formerly discharged from the office, and not upon the restored list, for which employment he received an annual stipend from the collector, to be allowed by the board at their discretion, was holden no disqualification.⁽ⁱ⁾

The captain of a Custom-house cutter, who had secretly resigned the command to another, from whom he received an annuity as a compensation, he himself having no longer any concern in the cutter, was holden a good voter.^(k) But where the voter held the office of post-master under a regular appointment, but the duties were performed by an inn-keeper, who received the salary for his own use, the correspondence with the London Post-office being carried on in the voter's name, his vote was disallowed.^(l) So was that of the husband of a post-mistress, she having been appointed to the office before her marriage.^(m)

A person once appointed office-keeper by the commis-

(a) 2 Peck, 245.

(b) New Shoreham, 11 G. 3, c. 55.

(c) Orme, 111. 1 Hey. 334-5.

(d) Annual resolution.

(e) Resolution of the House. 57 Jour. 5, 376.

(f) 22 G. 3, c. 41.

(g) *Ibid.* s. 2.

(h) *Ibid.* s. 3.

(i) 1 Fras. 164.

(k) 1 Peck, 397.

(l) 2 Lud. 561.

(m) *Ibid.* 558.

sioners of excise, to see certain entries signed, without fee or salary, but who had given up the appointment, and his wife had received the deputation, was holden not disqualified. ^(a)

Of persons
not qualified
to vote.

A sub-distributor of stamps appointed by the distributor, not by the commissioners, who exercised no controul over him, though he would have been dismissed by the distributor, if disapproved of by them, the distributor being answerable for the money he received, out of which he allowed him a per centage, and authorized him to sign certain licences, was considered a good vote. ^(b) A sub-deputy appointed by a country post-master to distribute letters in a certain district, and receive the postage at a certain profit per mile on each letter, whose name was not in the post-office books, was not disqualified. ^(c) Nor the guard of a mail coach. ^(d) Collectors of the duties on houses and windows are within the disqualifying words of the 22 G. 3, c. 41, s. 1.; but being appointed by the commissioners of the land tax are protected, by an exception in sect. 2. of the same Act, and not disqualified. ^(e) Police magistrates, receivers of fees at the police offices, and constables whilst they remain in office and for three months afterwards, are incapable of voting for Middlesex, Surrey, or Westminster, or Southwark, ^(f) and the same incapacity is extended to those of the Thames Police. ^(g) But farmers of the post-office duty being collectors thereof, ^(h) and corn and coal meters not receiving, or being entitled to receive any fee or salary out of the revenue of customs, or other public revenues of the Crown, ⁽ⁱ⁾ are exempted from the operations of the disqualifying statutes.

Another disqualification arises from the receipt of alms, within a limited time before the Election, generally a year, ^(k) though in particular cases this period is extended either by Act of Parliament as in London. ^(l) A determination of the House of Commons, ^(m) or special usage.

In the application of the general rule as to the receipt of

^(a) 1 Peck, 373. (But see the case of John Hawkins, Wootton Bassett, 1817.)

^(b) 2 Lud. 552; 1 Fras. 164; 1 Peck. 373.

^(c) 2 Lud. 502, but see Glasgow, 1 Peck. 354.

^(d) 2 Fras. 454.

^(e) 2 Lud. 551. See 20 G. 3, c. 3,

^(f) 54 G. 3, c. 37, s. 15.

^(g) *Ibid.* c. 187, s. 36.

^(h) 27 G. 3, c. 26, s. 15.

⁽ⁱ⁾ 51 G. 3, c. 84.

^(k) 2 Doug. 126.

^(l) 11 G. 1, c. 18, s. 14.

^(m) Reading, 2 Doug. 105.

Of persons
not qualified
to vote.

alms, Committees have differed; some holding that a freeholder continuing in possession of his freehold, but receiving alms within the year, is not thereby disqualified; ^(a) others holding it a disqualification. ^(b) Relief to the wife of the voter, ^(c) though living separate if he were bound to provide for her, or to his child, ^(d) will equally affect him; this was indeed doubted in the Sudbury case, but there was no resolution upon it. ^(e)

By 18 G. 3, c. 59, s. 25. "Any relief given to the family of any militia-man during the time of actual service, shall not deprive such militia-man from voting for the election of any member to serve in Parliament." This seems a parliamentary recognition, that otherwise the franchise would be suspended. Alms-men, or those living in alms-houses, seem no where entitled to vote. ^(f) Where the right of voting accrues after the receipt of relief, as by marrying the daughter of a freeman, the previous relief within the year will not affect it. ^(g)

Private charitable assistance furnished to a voter ought not to affect his franchise, as where having met with an accident, he was attended by the apothecary for the poor of the parish gratis, on an application of an inhabitant. ^(h) But where a voter upon his own application, and by order of the parish officers, was attended by the parish apothecary, his vote was not allowed. ⁽ⁱ⁾ Where an occasional circumstance affecting numbers, induces the parish to grant them temporary assistance, they are not disfranchised. Thus where relief is given, either at their own houses for the purpose of inoculation for the small pox, ^(k) or by the receiving part of their families into a parish house for the cure of it, ^(l) it will not affect their franchise.

Alms have been defined "parochial collection, or parish relief;" but there is another species of pecuniary assistance derived from "the revenue of certain specific funds, which have been established or bequeathed for the purpose of assisting the poor," distinguished in the cases

^(a) Bedfordshire, 2 Lud. 563-4.
Middlesex, 2 Peck. 117.

^(b) Cricklade, 2 Lud. 567, 1 Heyw.

^(c) 1 Heyw. 272. Great Grimsby, 1 Peck. 71, *Ibid.* 508.

^(d) Okehampton, 1 Peck. 373.

^(e) Phillips, 204, and (see the case of Colchester) 1 Peck. 508.

^(f) 1 Doug. 277, but see 3 Doug. 252.

^(g) Great Grimsby, 1 Peck. 72.

^(h) Colchester, 1 Peck. 508.

⁽ⁱ⁾ *Ibid.* 508.

^(k) Cricklade, 2 Lud. 356.

^(l) Cirencester, 2 Fras. 454.

as "charities." (a) The receipt of this relief has been in many instances considered as no disqualification, whether under the general law of Parliament respecting the receipt of alms, or under the last determinations which limit the right of voting to "freemen, &c. not receiving "alms." (b) One charity, however, called Weliborn's charity, (c) which it seems very difficult to distinguish from the others, has been holden to work a disqualification. Perhaps, the best rule upon this subject, is in the words of Mr. Serjeant Heywood. (d) "To distinguish between "charities which are of such a nature as to imply, that the "partaker of them is in a state of indigence and abject "dependance, and those from which no such inference can "be drawn. With respect to the former, they, like parochial relief, may work a disqualification of those who "receive them, by proving their incapacity to exercise a "will of their own in the choice of a representative."

Of persons
not qualified
to vote.

CHAP. II.

Of the Right of Voting for Counties.

THOUGH the right of voting for counties is regulated by various statutes, its basis is to be found in the 8th Hen. 6, c. 7, which limits the electors of knights of the shire, to those who "have freehold of the value of 40s. by the year "at least, above reprises." Whether this statute was a restraint upon the peoples' rights, or upon their encroachments, has been the subject of dispute. Great obscurity hangs over the early periods of parliamentary representation, and whilst matters of antiquity, unimportant in a constitutional view, are of easy acquirement, the origin of a representative legislature, the only form of government

(a) Taunton, 1 Doug. 370.

(c) Bedford, 2 Doug. 122.

(b) 2 Doug. 122. *Ibid.* 330. 1 Lud.
193. 1 Doug. 373. Phillips, 143.
Orme, 121. 1 Peck. 510.

(d) 1 Heyw.

Of persons
not qualified
to vote.

where liberty may have unbounded play without endangering its safety, is looked for in vain.

The present qualification of an elector for a county, is a freehold estate in the county, of the clear yearly value of 40s. above all rents and charges payable out of the same; ^(c) of which freehold he must have been in possession, or in the receipt of the rents and profits twelve calendar months before the election, ^(d) unless it was obtained within that time by descent, marriage, marriage settlement, or promotion to a benefice or an office; and which freehold must have been assessed to the land tax for six months before the election, except it consists of an annuity, rent-charge, or fee farm rent, which are exempted from assessment if *duly* registered. ^(e)

1st. AS TO THE NATURE OF THE FREEHOLD.

2d. AS TO THE ANNUAL VALUE ABOVE ALL RENTS AND CHARGES.

3d. AS TO THE YEAR'S POSSESSION.

4th. AS TO THE ASSESSMENT, AND THE EXEMPTIONS THEREFROM.

Of the Nature of the Freehold.—Of the Tenure.

The Estate must be freehold both in respect of tenure and interest. Copyholders therefore are excluded from this franchise by the nature of their tenure, both at common law and by statute. ^(d) Opinions were divided as to the right of tenants in ancient demesne, who were the privileged villeins of those manors which in doomsday book appear to have belonged to the Crown, though since fallen into the hands of subjects, as though their interest is freehold, yet the tenure by which they hold their estates is by copy of court roll, according to the custom of the manor; ^(e) but inasmuch as the statute above-mentioned ^(f) excludes from the right of voting all persons who hold their estates by "*Copy*

^(c) 8 Hen. 6, c. 7. 7, 8. W. 3, [c. 7, s. 3. 10 Ann. c. 23, s. 3, 4. 18 G. 2 c. 18, s. 1, 5.

^(d) 18 G. 2, c. 18, s. 1.

^(e) 18 G. 2, c. 18, s. 2, 4. 20 G. 3, c. 17, s. 2, 3, 9, 11, 13. 30 G. 3, c. 35. 3 G. 3, c. 24. See "As to the assess-

ment and exemption therefrom," Post.

^(d) 31 G. 2, c. 14, s. 1.

^(e) See Com. dig. 188.—1 Heyw. 78. 4 Inst. 4, 5.

^(f) 31 G. 2, c. 14.

of *Court Roll*," within which class they are, all doubts upon the subject are ended. Nature of the freehold.

Lands held in *tenant right* peculiar to the counties of Cumberland and Westmoreland, which are aliened by deed in the nature of a bargain and sale, but require admittance by the lord, give no right to vote for counties, the freehold resting in the lord. ^(a)

But a customary tenant holding of the lord of the manor, "according to the custom of the manor, not by copy of *Court Roll*, and whose lands pass not by surrender and admission, but by feoffment lease and release, was considered to hold by freehold tenure, and entitled to vote; ^(b) but see Blackstone's "Considerations on Copyholders." Where the nature of the estate does not admit of its owner having a freehold tenure in it, as the advowson of a church, or common of pasture, it cannot confer a right of voting; ^(c) but for the free warren of conies, the profits of wood sales, coal mines, tithes impropriate, or the like, in which he has an estate for life producing *communibus annis* 40s. by the year, the owner is entitled to vote. ^(d) A windmill fixed in the soil has been holden sufficiently real to constitute a freehold tenement. ^(e) As a tenement in law is whatever may be holden, and is not solely applicable to corporeal things, offices in which the holder possesses a freehold interest, confer a right of voting, when emoluments arising out of land are attached to them of sufficient annual value, viz. of 40s.

For the learning on this subject the reader is referred to Mr. Serjeant Heywood's valuable Treatise. 1 vol. c. 2.

Of the Freehold Interest.

With respect to this branch of the subject, it would be inconsistent with the extent of this treatise to attempt more than a general statement of the nature of those estates in which the tenant has a freehold interest. When questions arise requiring nicer investigation other books must of necessity be consulted, which are the ancient depositaries of the learning upon this important part of the law. It

^(a) 1 Heyw. 84.

^(b) Gloster. 64.—1 Heyw. 82. but see Black's "Considerations on Copyholders."

^(c) 1 Heyw. 62. Dalton Sheriff, 332.

^(d) Ibid. Dalton Off. Sh. 333.

^(e) Bedfordshire, 2 Lud. 440.

Nature of the freehold. will be sufficient, therefore, after a very general outline, to limit the observations to those points which have been questioned and decided before the Committees and the House of Commons. Estates in which the tenants have a freehold interest, are divided into estates of inheritance, and estates not of inheritance. Estates of inheritance are, a fee simple, which is an estate given without qualification to a man and his heirs for ever;^(a) or a qualified or base fee, which is an estate with some qualification annexed to it, and which must determine when the qualification is at an end, as in the case of a grant to A and his heirs, *tenants of the manor of Dale*; whenever the heirs of A cease to be tenants of that manor the grant is at an end.^(b)

A fee tail, which by virtue of the statute of Westminster 2d, has grown out of conditional fees at common law,^(c) of which there are several species, but which may be described generally as an estate of inheritance to a man, and certain of his heirs designated in the legal instrument by which the estate is conveyed and limited.

Estates not of inheritance are estates for life, which are either by express grant or operation of law. By express grant, as an estate to a man for his own life, or the life of another, or to a man until some contingency may happen, as to A till he be promoted to a benefice; though the estate determines when the grantee is promoted, yet as that contingency may possibly never happen, and the estate may therefore last for life, it is considered an estate for life.^(d)

By operation of law, as tenant in tail after possibility of issue extinct; tenant by the courtesy, tenant in dower.^(e)

It was the practice to exclude the votes of persons who had married women entitled to dower, unless it had been set out by metes and bounds;^(f) but by the 20 G. 3, c. 17, s. 12, this is remedied with respect to the dower out of estates of which the first husband died seised or possessed.

But though some uncertain interests are freehold from the possibility of their lasting for life, as, "if a man make a lease of a manor, that at the time of the lease made is worth 20l. per annum, to another, until 100l. be paid; be-

(a) 1 Co. Lit. s. 1.

(b) 2 Black. 109.

(c) 1 Inst. s. 14. 2 Inst. 333.

(d) 2 Black. 121.

(e) 2 Black. 124.

(f) 1 Heyw. 98.

"cause the annual profits of the manor are uncertain, he hath an estate for life, if livery be made; determinable upon levying the 100l." ^(a) Yet tenants by statute merchant, statute staple, and elegit, though they have uncertain interests in lands or tenements, have but chattel interests. ^(b) Nature of the freehold.

A freehold title will sometimes be presumed. As from length of possession. Where the voter had been in possession of the land for about 34 years; having paid rent for it during the first 10 years; since which time the owner not having been heard of, no rent was paid or demanded, his vote was allowed. ^(c)

But the mere conveyance of a chattel interest as if it were a freehold, without lapse of time to corroborate the title, is not sufficient to raise the presumption. As where the voter claimed under a deed which conveyed to him an estate for the remainder of 99 years, as if it were a freehold, his vote was not allowed. ^(d)

But the Committee allowed the vote *nem. con.* in the following case. The premises had been conveyed in the reign of Queen Elizabeth for 1000 years, but in the year 1700 they had been granted in fee by one, under whom the voter claimed. ^(e)

Rents and annuities for life of 40s. value per annum, issuing out of lands, are freeholds and confer the privilege, ^(f) if registered with the clerk of the peace. ^(g)

So offices in respect of which the holder is possessed of a freehold interest in lands, or profits issuing out of or charged upon lands, of the annual value of 40s.

A parish clerk is by common law an officer, and in for life without deed. ^(h) In the Middlesex case it was entered in the minutes of the Committee by the agreement of the counsel, "That the office of parish clerk is *prima facie* an office for life. ⁽ⁱ⁾

And upon a subsequent occasion the same Committee held, that a parish clerk appointed *generally*, might vote for lands of which he was possessed by virtue of such appointment. ^(k) But where a sexton was elected generally, and

(a) Co. Litt. 42. a.

(b) *Ibid.*

(c) Bedfords. 2 Lud. 425.

(d) Gloster. 182.

(e) Gloster. 183.

(f) Dalton, 333.

(g) See post.

(h) 2 Salk. 536.

(i) 2 Peck, 88.

(k) Midd. 2 Peck, 107.

Nature of the freehold. no proof given that he was elected for life, or that the office was for life, the Committee in two instances rejected the vote. ^(c)

Three cases have occurred, where dissenting ministers, enjoying either lands, or the profits of lands, of the requisite value, in virtue of their respective appointments, which appointments were general, were holden not to have the right of voting ^(b), although in the last case there was *express* evidence that the congregation were understood to have no power of removal.

But schoolmasters not liable to removal, possess the franchise in respect to annual salaries paid out of estates settled to such uses; ^(c) but not where they are removable at pleasure. The same Committee determined, that where the appointment was merely for an uncertain time till a person better qualified should offer, it did not give the right of voting. ^(d)

No office will confer the qualification, where the emoluments attached to it do not arise *out of land*.

Thus the office of *Master in Chancery*, which is an office for life, the emoluments of which arise from certain salaries and established fees paid by the suitors of the Court, but in virtue of which no profits issuing out of land are enjoyed, confers no right to vote. ^(e) Neither does the office of six clerk, nor that of sixty clerk. ^(f) The office of clerk of the peace for Middlesex gives no vote. His emoluments consist of fees, and he is provided with apartments for the residence of himself or his deputy, in the Sessions House, which was built for the use of the county, under an Act of Parliament, 18 G. 3, by which the justices are empowered from time to time to regulate its use and occupation. The Committee determined that, not having a freehold interest in house or land in right of his office, his vote was bad; ^(g) upon the same principle the votes of many persons holding offices in Westminster Hall, and in Westminster Abbey, were struck off the poll. ^(h) Nor does it make any difference where part of the building allotted for the use of the office is let out by the person enjoying the office for his own emolument,

^(c) Midd. 2 Peck, 91.

^(b) Gloster. 176. *Ibid.* 193. Bedfordsh. 2 Lud. 432. See Orme, 149.

^(c) Bedfordsh. 2 Lud. 501. and see *Ibid.* 428, 9.

^(d) *Ibid.* 429, 430.

^(e) Middx. 2 Peck, 98.

^(f) *Ibid.* 99.

^(g) 2 Peck, 92.

^(h) *Ibid.*

for such letting is a perversion of its purpose. The "clerk of the petty bag office," let to hire a building adjacent to his office, formerly used as part of the office, for the rent of 20 guineas per annum, his vote was not allowed. ^(a) Nature of the freehold.

Where an office is exercised in one county, but the salary is payable out of lands situated in another county, the officer will not be entitled to vote at an election for the county where the office is exercised. Thus the organist of a church in Middlesex paid out of lands in Surrey, was rejected by the Committee on the Middlesex Election. ^(b)

But where by appointment to an office or employment, a man becomes member of a corporation aggregate, and the land or stipend he enjoys by virtue of such appointment forms part of the corporate estates, being vested in the corporate body, it does not confer the elective franchise upon the individual member. ^(c) Individual members, therefore, of corporations aggregate, cannot vote in respect of the estates belonging to the corporation. ^(d) But corporations sole, as parsons, vicars, &c. may vote for lands holden in *their corporate capacity*. ^(e) Joint tenants and tenants in common are allowed to vote, though the 7 and 8 W. 3, c. 25, s. 7, enacts that no more than one voice shall be admitted for the same house, &c. ^(f) So was the husband of a coparcener. ^(g)

There were several instances before the Middlesex Committee, where votes for land tax purchased were disallowed. ^(h) By 38 G. 3. c. 60, s. 99, land tax purchased was to be considered as personal estate, except in certain cases (s. 32 and 40); but by the 42 G. 3, c. 116, s. 54, for consolidating the several Acts for the redemption of land tax, it is enacted, that the purchasers of land tax shall be deemed to be in the actual seisin or possession of a yearly rent, or sum, as a fee farm rent, equal in amount to the land tax so purchased. ⁽ⁱ⁾ And copies of the register of contracts are good evidence of the contracts, s. 165. Nor does any contract, assignment, copy of register, transfer, or let-

^(a) 2 Peck, 100.

^(b) 2 Peck, 91.

^(c) Master of Westminster school Middx. 2 Peck, 113.

^(d) Gloster, 136. Middx. 2 Peck, 113.

^(e) Heyw. 119, 123.

^(f) 1 Hey. 114, 156. 2 Peck, 55.

^(g) 2 Lud. 447.

^(h) 2 Peck, 91.

⁽ⁱ⁾ See 2 Peck, 91.

Nature of the freehold. ter of attorney; or affidavit under this stat. viz. 42, G. 3, c.

116, or the Acts therein recited, require a stamp, s. 173. And persons may vote in respect of land tax so purchased, without any memorial of the contract or certificate of the purchase being registered, as the law requires in the case of other fee farm rents and annuities.^(a)

Equitable Freeholds.

The freehold required by the stat. 8 Hen. 6, as essential to the qualification of a country voter, has always been considered the *legal* freehold.^(b)

But by 7 and 8 W. 3, c. 25, s. 7, it was enacted, "that no person or persons shall be allowed to have any vote in election of members to serve in Parliament, for or by reason of any trust, estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but that the mortgager, or cestuique trust in possession, shall and may vote for the same estate, notwithstanding such mortgage or trust."

It frequently occurs at elections, that cases within the operation of this statute arise out of contracts for the sale of estates, the vendee being let into possession before the conveyance is executed. And I apprehend in such cases the question for the Committee must be, whether the contract is of such a nature, that a Court of Equity would compel a specific performance; if it be, the vendor is in the situation of trustee for the vendee, who is the cestuique trust in possession of an equitable freehold.

In the two following cases before the Gloucestershire Committee, the question appears to have turned upon this point, though the objection was taken to the voter upon the year's possession required by the stat. 18 G. 2, c. 17.

In one the purchaser was put into possession of the land more than two years before the election, but no conveyance was executed till *within a year* before. His vote was not received.^(c) In the other the purchaser was also put into

(a) 51 G. 3. c. 39.

(b) 1 Heyw. 104.

(c) Gloster. 163.

possession under articles of sale more than a year before the Election, but the purchase money was not paid, nor the purchase completed till within this year. The Committee held the vendor entitled to vote, and not the purchaser in possession; ^{Equitable freeholds.} (c) though it was in this case admitted in argument, that the vendee had an equitable estate, but insisted that an equitable estate gave no right of voting.

Upon these cases Mr. Serjeant Heywood observes, that there appears in neither of them to have been any agreement, that the purchaser in possession should take *the rents and profits to his own use*, for if there had, the determination in both would probably have been different. And several cases have since been decided on the Middlesex Election in strict conformity with this opinion. (d) And although in these cases also, the objection to the voter arose upon the want of a year's possession, yet they are noticed here, because the question in each must have turned upon the nature of an equitable freehold, and the title of the vendee in possession to such an estate. The voters contracted for the purchases of their respective estates more than a year before the Election, they had been *in possession of the rents and profits since that time*, but no conveyance had been executed till within a year of the Election, the votes were held good. (e) So where the rent had been paid to the voter, by the direction of the former owner, for a much longer period than a year before the Election, but the conveyance had not been executed till within the year. (f)

In the following case, neither of the parties to the contract could have voted for the land in question, the vendee from the want of possession, the vendor because he had bound himself to complete the sale before the election, and stood, therefore, as trustee for the vendee. The voter agreed for the sale of his freehold from Lady-day before the Election, but, having promised his vote, refused to execute the conveyance till after, when it was executed as from the Lady-day, his vote was disallowed. (g)

But where the delay in executing the conveyance until after the Election, arose from the negligence of the vendee ;

(c) Gloster. 82.

(d) 2 Peck. 106.

(e) *Ibid.*

(f) 2 Peck. 106.

(g) 3 Lud. 427-8.

Equitable
freeholds.

and the vendor, at the time of the Election, was in possession of part of the premises, his vote was allowed.^(c)

It may happen, that the question as to who is entitled to vote depends not upon which of two persons is the trustee, and which the cestuique-trust, but upon which of two persons is the cestuique-trust, the legal estate being clearly in neither of them. As where a father devised his estate to trustees to pay 6s. a week to John, his eldest son, an idiot, and the remainder to the second son Thomas, who was to be put into immediate possession by the trustees, on giving security to pay the 6s. a week. He had not given security, nor had the trustees put him into possession. The Committee held that the second son, Thomas, had no such interest in the premises as entitled him to vote, but that John, the elder brother, had a right to vote in respect of the premises devised to the trustees.^(b)

An estate being devised for life, remainder to trustees to pay debts and legacies, and the surplus to be divided amongst A. B. and C. The tenant for life died, the estate had not been sold. It was objected, that the remainder men took only an interest in a personal estate. It was answered, they took an equitable interest in the freehold estate immediately upon the death of the tenant for life, and it was incumbent on those who impeached the vote, to shew that the land had been sold, and converted into money. The vote was holden good.^(c)

Where the devisee of an estate charged with an annuity agreed by parol to give up the estate in satisfaction of the annuity, and had put the annuitant into possession; it was held the annuitant had a right to vote.^(d) So where a devisee, in trust, to pay legacies, refused to take the land subject to the trust, and the legatees, with his consent, took possession of certain parcels in satisfaction of their legacies; one of the legatees had been in possession of his freehold in this way for five years, and his vote was allowed.^(e)

But a mere authority to receive the rents unconnected with interest in the land, gives no right. Where a purchaser, at the time of the sale, executed a bond to permit the vendor to receive the rents and profits for life, the vendor's vote was rejected.^(f)

(c) Middx. 2 Peck. 107.

(d) Gloster, 130-1. 1 Heyw. 107.

(e) 2 Peck. 106.

(c) 2 Lud. 440.

(d) 2 Lud. 424.

(f) Gloster, 133-4.

Where an estate was devised to a man who had never received rent for it, but the rent had been paid to a person from whom the tenant received possession shortly before the Election, the devisee was allowed to vote, for it was presumed that the person who received the rent was only tenant to the devisee.^(*) Equitable freeholds.

One seized of the freehold, may so have divested himself of all control over the rents and profits of the estate, as to have lost the franchise. As where a man before marriage, by deed between himself, his intended wife, and R. V. covenanted not to intermeddle with the rents and profits of her estate, which were to be received by R. V. for the wife's use, and she was to have the sole disposition by devise, or otherwise, he joining in all necessary acts; his vote was rejected.^(b)

OF THE ANNUAL VALUE OF THE FREEHOLD ABOVE ALL RENTS
AND CHARGES.

"The estate must be "of the clear yearly value of 40s. Value of the estate.
"over and above all rents and charges payable out of, or
"in respect of the same." It was resolved in the Bedfordshire case, that this value is to be estimated by the rent which a tenant would give, and not by what the owner, occupying the land himself, might possibly derive from it.^(c) But particular cases may occur, where other modes may be resorted to, of proving the annual value, besides the rent actually paid.

The proportion of assessment to the public taxes, church rates, and parish duties, was once made the criterion of value by the legislature, 10 Ann. c. 23, s. 2. 12 Ann. st. 1. c. 5. But these statutes not being found to answer their purpose, were repealed, in so far as they relate to this point.

With respect to the nature of the rents and charges, the decisions of Committees have been contradictory. Some have holden, that where the interest payable upon a mortgage, reduces the annual value of the estate to the mortgager in possession, below 40s. he is not entitled to vote.^(d)

The Cricklade Committee held the contrary, both as to a

(*) 2 Lud. 431.

(b) 2 Bedfords, Lud. 422.

(c) Bedfords, 2 Lud. 450. See also Middlesex, 2 Peck. 104.

(d) Bedfords, 2 Lud. 450. Buckingham's. *Ibid*, 471. Middlesex, 2 Peck, 103.

Annual value. mortgagee and a devisee, where the estate is devised, charged with the payment of debts, &c. reducing its annual value below 40s. ^(c) And Mr. Serjeant Heywood seems to think the words of the stat. 7 8 W. 3. c. 25, support the Cricklade determination, since the Act does not appear to look to the surplus value of the rents, but to the right of voting, whether it shall be in the mortgagee, who has the legal estate, or in the mortgager, who has the possession. ^(d) The last determination, however, upon the subject is against the right. ^(e)

And the opinion, that a mortgaged estate thus reduced in annual value, would not confer the right of voting, was recognised by a statute since repealed, viz. 28 G. 3, c. 36. s. 6. 9.

Upon a special case on the Game Laws, it was holden by the K. B. that where a mortgage had reduced the annual value of an estate, as received by the owner to his own use, below 100l. his qualification to kill game was defeated. ^(d)

But there must be an actual charge on the estate, reducing it below the requisite value, to defeat the qualification. Where the annual value of the estate is more than 40s. above the interest of the money borrowed, a surrender of the possession, and of the rents, for the purpose of clearing off the principal sum secured, as well as arrears of interest, will not defeat it. ^(e) Although a mortgage exceed the value of the particular estate for which the elector votes, if there are other estates conveyed in mortgage by the same deed, the rents and profits of which are beyond the interest of the sum borrowed, his vote is good. ^(f)

Several questions arose in the Bedfordshire case, as to the diminution of the annual value in respect of dower; where the widow had not received, nor claimed it for a considerable length of time, the Committee presumed it to have been released. ^(g)

The vote will be rejected or received, according to the actual value of the tenement, as measured by the rent, not as it may appear from documents, which either by design, or negligence, vary from the real rent. As where the voter received 50s. a year for his freehold, though in order to

False receipts
given to de-
ceive tax as-
sessors.

^(c) 2 Lud. 470.

^(d) 1 Heyw. 148.

^(e) Middlesex, 2 Peck. 103.

^(f) Wetherell v. Hall, 1 Heyw. 145.

^(g) Middlesex, 2 Peck, 103.

^(h) *Ibid.*

⁽ⁱ⁾ 2 Lud. 450.

diminish the taxation, and deceive the assessors, he had given receipts to the tenants for 30s. only, his vote was helden good.^(*) So where, in the books of assessment, the freehold was assessed under 40s. the Committee held, "that no proof whatever of the actual value of the freehold could arise from entries in the books of assessment."⁽²⁾ If the freehold given in be of the requisite value, the whole of it need not be assessed.⁽³⁾ But it must appear upon the poll, that the freehold, in right of which the vote is given, is of sufficient value. And, accordingly, it was entered on the minutes of the Bedfordshire Committee, that, "If a voter gives in a freehold on the poll, which is not worth 40s. a year, the vote is to be considered as a bad one, notwithstanding he may be possessed of other freeholds amounting to more than 40s."⁽⁴⁾

Annual value.

Assessment
no evidence
of value.The freehold
must appear
upon the poll
of the requi-
site value.

"No public or parliamentary tax, county, church, or parish rate, or duty, or any other tax, rate, or assessment, whatsoever, to be assessed or levied upon any county, division, rape, lathe, wapentake, ward, or hundred, is, or shall be deemed or construed to be any charge payable out of, or in respect of any freehold estate within the meaning and intention of this Act, or of the oath, &c."⁽⁵⁾ The Bedfordshire Committee held, that under this clause, "the parochial taxes," when paid by the tenant, do not constitute a part of the rent paid by him for the land, and are not to be considered as part of the income in right of which the owner votes;⁽⁶⁾ and the same, with respect to the window and house tax;⁽⁷⁾ but a different determination was made as to the land tax, the payment of which was considered as forming part of the rent, or annual value.⁽⁸⁾ Nor will the right of voting be defeated because a sum is to be laid out in repairs, which reduces the value below 40s.⁽⁹⁾

Public taxes.

OF THE YEAR'S POSSESSION.

Various Acts have been passed to prevent the fraudulent creation of occasional votes. The first statute directed to

Year's pos-
session.

(*) Bedford's, 2 Lud. 448.

(2) Middlesex, 2 Peck, 106.

(3) Bedford's, 2 Lud. 446.

(4) 2 Lud. 444.

(5) 18 G. 2, c. 12, s. 6.

(6) 2 Lud. 475.

(7) *Ibid.* 476.

(8) *Ibid.* 447, 476.

(9) *Ibid.* 448.

Year's pos-
session.

this object, and which was passed shortly after the Revolution, is the 7 and 8 W. 3, c. 25, s. 7; it enacts, "That all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port, or place, in order to multiply voices, or to split or divide the interest in any houses or lands among several persons, to enable them to vote at elections of members to serve in Parliament, are hereby declared to be void, and of none effect, and that no more than one single voice shall be admitted for one and the same house or tenement," and by 53 G. 3, c. 49, is extended to devises by will.

The House of Commons once resolved, that all tenements divided since the passing of this Act of King William; should be considered as split to multiply voices.^(a) Another rule was afterwards contended for before the Haslemere Committee, viz. that from the time the division of freeholds becomes very general in any place, they are to be considered as falling within the stat.^(b) The first of these two rules is obviously too absurd to be carried into practice, and the second too vague.

It is indeed impossible to establish any general rule on this point which is not open to great inconvenience, and it appears best to consider every question of a divided freehold under its own circumstances, and presume the transaction a fair one till the contrary is proved.

The next statute to prevent these colourable conveyances, is the 10 Ann. c. 23, s. 1, which declares, that all collusive grants for qualifications to vote, shall vest in the grantees absolutely, discharged of any condition to re-convey, or defeat the grant, and by 18 Geo. 2, c. 18, s. 5, no vote is good in right of any freehold estate, fraudulently granted on purpose to give the vote. Which provisions are only declaratory of the common law.^(c)

These statutes, as might have been imagined, were found inefficacious, it being almost impossible in the generality of cases to distinguish whether the conveyance was colourable or not. The legislature therefore at length undertook to define what should be considered as a fraudulent conveyance, and required, *except in particular cases,*

^(a) Whitchurch, 1708. 16 Journ. 52.
Heyw. 158.

^(b) 1 Heyw. 159.

^(c) 1 Doug. 223. 1 Heyw. 165.

by 18 G. 2, c. 18, s. 1, a *year's possession of the estate*, Year's possession. and by 20 G. 3, c. 17, s. 1, *six months assessment to the land tax*, before the owner should be entitled to vote.

The voter must therefore have been "in the actual possession of (his freehold) or receipt of the rents and profits thereof to his own use, above twelve calendar months," "unless the same came to him within the time aforesaid by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office."

A voter had been let into possession of the freehold, under an agreement, more than a twelvemonth before the Election, but the conveyance was not executed till within the year, upon which conveyance the receipt of the purchase money was acknowledged by an indorsement of the same date, the indorsement was not received as evidence to fix his possession from that time only, and so defeat the vote. (c) *Vide* other cases *ante* applicable to this head under title "Equitable Freehold." (b)

The Act does not specify whether the twelve months are to be computed from the day appointed for the Election; or the day on which the vote is given. Mr. Serjeant Heywood thinks it should be reckoned from the day on which the voter takes the oath and actually gives his vote. (c) But see the Seaford case, (d) and 3 Doug. 234, *n. c.*

A person married during the Election has a right to vote at the same Election for premises to which he became entitled by marriage. (e)

The exception of lands coming by devise or descent has been carried to a very extravagant length; for in almost every contested county Election it happens, that before the poll is closed, some of those who have voted die, and the son has been always allowed to vote at the same Election for the lands for which the father had voted before, although it came to him by devise, descent, or marriage, even after the poll begun. (f)

(c) Middlesex, 2 Peck, 115.

(d) Gloster, 163, 82. 2 Peck, 100.

(e) 1 Heyw. 168.

(f) Simeon, 129, *n.*

(c) Middlesex, 2 Peck, 115. Bedford, 2 Lud. 427.

(f) 1 Doug. 272.

ASSESSMENT TO THE LAND TAX.

Assessment.

The first statute which bore relation to this subject, was the 10 Anne, c. 23, (explained and modified by 12 Anne, st. 1, c. 5,) requiring the freehold to be assessed to the public taxes, church rates, and parish duties, in the same proportion with other freeholds of 40s. with a view to ascertain the value. The clause containing the above requisition was repealed by the 18 Geo. 2, c. 18, which required that the freehold should be assessed to the land-tax twelve months before the Election. Then the 20 Geo. 3, c. 17, s. 1, without noticing any of the prior Acts, except by observing, that they are difficult to be carried into execution, enacted, "that no person shall vote for the electing
 "of any knight or knights of the shire to serve in Parlia-
 "ment (within England or Wales) in respect of any mes-
 "suages, lands or tenements, which have *not for six calendar*
 "*months next* before such Election been charged or assessed
 "towards some aid granted, or to be granted to his Majesty,
 "his heirs or successors, by a land-tax, in case any such aid
 "be then granted and assessable, in the name of the person
 "or persons who shall claim to vote at such Election, for or
 "in respect of any such messuages, lands, or tenements, or
 "in the name of his or their tenant or tenants, actually occu-
 "pying the same as tenant or tenants of the owner or land-
 "lord thereof;" with certain exceptions specified in a subsequent clause.

Though this Act is intituled, "An Act to remove certain difficulties relative to voters at County Elections," it appears by no means to have had its intended effect; and Mr. Serjeant Heywood states, that the objections founded upon it make a principal part of this branch of the law. The statute gives a form of assessment in the schedule, which the assessors are required to pursue by s. 3. Yet the Bedfordshire Committee found it necessary to come to the following resolution, "That it is not necessary that the form of the schedule should be strictly complied with." Indeed the greater part of the difficulties appear to have arisen from the form of the assessment, which occasioned contradictory resolutions in the different Committees before which it was considered. To prevent

the recurrence of such inconvenience, the 30 Geo. 3, c. 35, Assessment. was passed, which reciting "that the form of the assessment prescribed by the above mentioned Act denotes, that the names both of the proprietor and occupier ought to be specified;" and doubts have arisen, whether if such form be not strictly pursued, the suffrage of the person claiming to vote be admissible, requires, s. 1, "either that the freehold shall have been assessed for *six calendar months* before the Election, in the name of the person claiming to vote, although the name of the tenant or tenants actually occupying such messuages, lands, or tenements, shall not be inserted in such assessment according to the form of assessments to the said first recited Act annexed, or (s. 2) in the name of a tenant, or tenants actually occupying the same at the time of such assessment being made, although the name of the person so claiming to vote, &c. shall not be inserted in the assessment according to the form of the assessment to the said first recited Act annexed." It was contended in the Middlesex case, that the last statute only applied where either the owner or tenant was wholly omitted, and the other rightly named; but after some discussion, the following rule was entered on the minutes of the Committee by agreement: "That if either the name of owner, as owner, or that of occupier, as occupier of the freehold voted for, appears rightly upon the assessment; that is, if either be right, though the other be wrong, such voter shall be deemed rightly assessed." As where Thomas Garman had at the poll given in as his occupier John Garman; on the assessment Ann Garman appeared as the proprietor, and John Garman as occupier, the vote was declared good. (c)

When votes are questioned before Committees upon objections to the assessment, two conditions are necessary to support them. One, that the assessment sufficiently corresponds with the description of the freehold, &c. upon the poll; another, that the freehold is duly assessed.

1st. Where the description on the poll varies from the assessment.

It must frequently happen, as in the Middlesex case, that the owner or tenant is assessed, by a name differing from that which appears on the poll (although the

Agreement of names on the poll and assessment.

(c) 2 Peck, 65-6.

Assessment. assessment is really meant to be made upon the same person) either by the christian name being different, or omitted, or put with initials only, or by the spelling of the surname, or by the person being described, not by his name, but by his office, situation, or character. ^(a)

With respect to an insufficient description of the christian name, the Committee determined, "that where the christian name of a voter on the poll varies from that on the assessment book, the party supporting the validity of the vote shall be called upon to justify such variation." The same "where no christian name, or the initials only, appeared on the assessment," ^(b) and in such case the assessor or collector of the land-tax was admitted to prove the voter to be the person actually intended to be assessed. ^(c)

With regard to the variation of surnames no general rule was laid down, but each particular case decided on its own grounds, it being held necessary, however, to shew that there was no person of the name described on the poll in the occupation of the premises, before it could be inferred that the name on the poll, though different from that on the assessment, was really intended for the same person. ^(d)

Besides those cases of misdescription and variance which required evidence of identity to establish the vote, other cases occurred where, though the tenant's name upon the poll agreed with that upon the assessment, yet it appeared that some other person was rated as proprietor, as for example, T. Noble, a voter, had named himself as occupier of the freehold; the premises were assessed in his name as occupier, but in the name of another person as proprietor; in such a case, the Committee suspecting that a stranger might offer himself to vote for premises to which he had no title, called upon the party supporting the vote, to prove the voter's title, and shew that he was proprietor also. ^(e)

But where no proprietor was assessed, and the occupier on the poll and assessment appeared the same, no further

^(a) See 2 Peck, 66.

^(b) 2 Peck, 67.

^(c) *Ibid.*

^(d) 2 Peck, 67.

^(e) *Ibid.* 69.

evidence has been required. (c) Unless it appeared that the occupier on the poll and in the assessment had other lands in the same parish. (b)

So where the name of the tenant, on the poll and assessment being the same, the name of the proprietor was not inconsistent with that of the voter on the poll, as A. B. the voter, assessed *late C. D.* or Mr. B. the vote has been allowed. (c)

The nature of the freehold as described upon the poll must also agree with that on the assessment. Where it was described on the poll as "ground," and the assessment was for a house, the vote was disallowed. (d)

Agreement of freehold on the poll and assessment;

But where the freehold described upon the poll was that of an office, as "master of the Charter House," and the freehold assessed was "a house," which he held in virtue of such office, it was holden well enough. (c)

It is the misdescription, and not the omission of a description, which renders the assessment insufficient. Where the elector voted for land in his occupation, and the assessment failed to distinguish the nature of the property, as whether it consisted of a house, or land, &c. the vote was allowed. And in this case, the assessor's evidence as to the nature of the freehold was rejected, it being only receivable in cases where there is some ambiguity, or inconsistency of description on the assessment, not where there is a total omission. (f)

The freehold should be described upon the poll in the same parish in which it is assessed. (g)

If a hamlet of a parish maintaining its own poor separately, has a separate ballot for the militia, separate churchwardens, and a separate land-tax assessment, a freehold assessed in the hamlet will be improperly described on the poll as in the parish. (h)

But a freehold assessed in the division of a parish, which division does not maintain its own poor, &c. is properly described on the poll as in the parish. (i)

The name of the street in which the freehold is situated, as described on the poll, must agree with the assessment ;

(c) 2 Peck, 70.

(b) Gloster, 39.

(c) 2 Peck, 69.

(d) *Ibid.*

(e) 2 Peck, 72.

(f) 2 Peck, 73.

(g) Bedfordshire, 2 Lud. 509.

(h) 2 Peck, 71.

(i) *Ibid.*

Assessment. unless the street happens to be called by different names, which agree respectively with the different descriptions on the poll, and in the assessment. ^(a)

2ndly. The freehold must be duly assessed.

Where there appeared no assessment in the name either of the voter or tenant, but the rate had been actually paid by the tenant, who was prepared to produce the receipts, the Committee refused to receive them as evidence of assessment. ^(b)

But some irregularities attending the assessment will be waived in favour of the franchise. Thus where the books had been very irregularly kept, having been made to serve two or three years by alterations, &c. but the collector having deposed, that in fact, the rate had been made, allowed, and collected for the year, the Committee determined, that as the books produced had been acted on as valid, and were the only evidence of assessment, they should be received. ^(c) So where the premises stood upon a disputed boundary betwixt Middlesex and London, the Committee in favour of the franchise considered the premises as within Middlesex, and received evidence of assessment in London as a good assessment. ^(d) But where the name of the occupier was inserted by the collector after allowance, the vote was set aside. ^(e)

It must be duly assessed in the name of the owner or tenant.

The following are decisions by the Middlesex Committee ^(f) upon the due assessment, 1st. in the name of the owner—where instead of R. P. the owner “late G.” was inserted in the proprietors’ column, it was holden insufficient. ^(g)

So where the freehold was assessed in the name of Mary Bodmead and Co. as proprietors, the vote of another partner in the firm as occupier and owner was disallowed. ^(h)

So where the voter’s name was inserted in the occupiers’ column, but the premises were in fact occupied by another person. ⁽ⁱ⁾

Where one of two joint tenants was assessed, the vote of the other was rejected. So an assessment of the wife,

^(a) 2 Peck, 71.

^(b) *Ibid.* 73.

^(c) *Ibid.* 80.

^(d) *Ibid.*

^(e) 2 Peck, 80.

^(f) *Ibid.* 73.

^(g) *Ibid.* 74.

^(h) *Ibid.* 75.

whether in her maiden name or her husband's, is insuffi- Assessment.
cient if the parties have been married more than twelve
months. (4)

But an assessment of the owner by the description of his
situation or calling, as vicar of Stanwell, was holden
good. (4) So where the owner's name was inserted in the
tenants column with *Ld.* added, which was proved by
the assessor to stand for landlord. (5) And an assessment in
the name of the proprietors of the New River Company
was holden sufficient for each of the shares. (6) A particular
mode of paying the land-tax assessed on this property,
from the general fund, is provided by statute.

N. B.—There are various cases upon the validity of
assessments before other Committees, but as they took
place previously to the 30 Geo. 3, c. 35, the reader is
referred to them in 1 Heywood and 2 Peck, 74. Notes.

2dly, in the name of the tenant.

The assessment in the name of a former tenant is suffi-
cient, if the change of tenancy between the assessment
and Election is satisfactorily made out, but not where a
former occupier's name had been continued on the assess-
ment by inadvertence, for several years after a change of
occupation. (4) Where the premises were unoccupied at the
time of the assessment, and *E.* was inserted for empty in
the occupiers' column, they were holden not to be assessed,
and the vote bad. (4) So an assessment by the description of
"Sharp's tenants" was holden bad, no person being
named as tenant. (5) So where the style of a partnership
firm appeared on the assessment in the column of occu-
piers, it was holden an insufficient description for one of
the partners, whose name did not appear in the firm. (6) The
same where the assessment was in the name of the joint
tenant as occupier. (7) So a chapel and burying ground occu-
pied by the Moravian Society, was considered as unduly
assessed in the name of one of their members. (8)

The freehold is however in certain cases exempted from
the necessity of assessment. 20 G. 3, c. 17.

*Exemptions from Assessment, Annuities, Rentcharges, Fee
Farm Rents.*

Notwithstanding the impediments to the creation of oc-

(4) 2 Peck, 76.

(5) *Ibid.* 74.

(6) *Ibid.* 75.

(4) 2 Peck, 77.

(5) *Ibid.* 78.

(6) *Middlesex*, 2 Peck, 79.

Annuities, &c. casual votes raised by the earlier statutes for the assessment of the freehold, ^(a) yet as "rents, tithes, or other incorporeal hereditaments," &c. were exempted from assessment, ^(b) the grant of an annuity or rent charge for a life or lives, or a greater estate issuing out of freehold lands, became a ready instrument for carrying on such practices. To remedy this evil, the stat. 3 G. 3, c. 24, was passed, which prohibits any person from voting for "any annuity or rent charge," unless registered with the clerk of the peace twelve months before the Election. And the 20 G. 3, c. 17, s. 2, which extends to Wales, and fixes the time of assessment of the freehold to six months, exempts "annuities or fee farm rents (duly registered) issuing out of any messuages, lands, or tenements, rated or assessed as aforesaid." ^(c)

The Gloucestershire Committee, which sat before the last mentioned Act ^(d) was passed, resolved "that a reserved or fee farm rent need not be registered under the Act for registering annuities." ^(e) Neither reserved nor fee farm rents being mentioned in that statute, 3 G. 3, c. 24. Afterwards in the Middlesex case a question was made whether the words "fee farm rents" in the 20 G. 3, c. 17, was not inserted by mistake instead of "rent charges," which it was contended, would have been more consistent with the apparent intention of the statutes relating to this matter; the Committee concurred with that opinion, but thought themselves bound by the positive enactment, and held that either the freehold for which the vote is given must be assessed, or it must be registered in the shape of an annuity or rent charge, the land out of which it issues being likewise assessed. ^(f)

Where exemption from assessment is claimed upon the score of rent charge, the party maintaining the vote must prove not only that the rent charge is duly registered, but that the estate from which it issues is duly rated and assessed. ^(g)

The vote of a schoolmaster for a rent charge, issuing out of lands settled upon the rector of a parish, by whom the appointment of the voter had been made, was holden good,

^(a) 10 Ann, c. 23. 18 G. 3, c. 18.

^(b) 12 Ann, c. 5. 18 G. 2, c. 18.

^(c) 2 Peck, 87, n. 7.

^(d) 20 G. 3, c. 17.

^(e) 3 G. 3, c. 24.

^(f) 2 Peck, 82, 5.

^(g) 2 Peck, 82.

although neither assessed nor registered ; the benefice itself being duly assessed.^(c) So the vote of a vicar for a stipend of 10l. a-year, received from the impropiator of the great tithes, though not assessed for it; the impropiator being assessed for the tithes ; for there were no means, it was said, by which the vicar could get his name inserted in the vote.^(b) By descent, &c.

So where a clergyman received a salary issuing out of the great tithes, the Committee determined that " he was " not obliged to register the same under the Act for registering annuities ;" ^(c) for the regulations of this Act, ^(d) Mr. Luder observes, do not seem intended for cases of annuities annexed to offices. ^(e)

An annuity must be described when registered, according to the fact, whether it comes by descent, marriage articles, &c. Where an annuity, secured by the marriage settlement of the voter's father, was registered, as coming by *descent*, the Committee rejected his vote by a casting voice. ^(f)

Exemptions from Assessment in Cases of Descent, &c.

Persons who become entitled to lands, &c. within twelve months before the Election, by descent, marriage, devise, promotion, &c. may vote for them, if within two years before the Election they have been rated in the names of those through whom they claim, or some predecessor.

Where lands are devised to a minor, the Bedfordshire Committee held that the year began to run when he came of age. A father devised land to his children equally. The elder brother was rated for and managed the land during the voter's infancy ; the voter came of age within a year before the Election, and his vote was holden good. ^(g) See also other instances. ^(h)

The voter succeeded as heir at law to Mrs. W. in whose name the estate was assessed, and who died more than two years before the Election. He did not know of his right till within a year before the Election, and after the assess-

^(c) Bedford's, 2 Lud. 431.

^(b) 2 Lud. 507.

^(c) Gloster, 41.

^(d) 3 G. 3, c. 24.

^(e) 2 Lud. 500, n.

^(f) Gloster, 38. 1 Heyw. 235.

^(g) 2 Lud. 528.

^(h) *Ibid.*

Offices.

ment had been made, nor got into possession for some months afterwards. His vote was rejected.^(a)

So where the voter was possessed of an estate in right of his wife, whom he had married shortly before the Election, and who had come of age, and became entitled to the estate within the two years, the estate being rated in the name of a person who having married her mother had managed it for her, and not in any one through whom she claimed, conferred no right of voting.^(b)

It is not sufficient that the premises have been rated within two years in the name of some predecessor, who might have held them *previous* to the two years; the assessment must be in the name of *some predecessor in possession within two years.*^(c)

In respect to Offices.

It was determined by the Middlesex Committee, that when a vote is objected to for want of assessment of the freehold, "and exemption is claimed on the score of an office, the party maintaining the same shall be called upon to prove the nature of the office, and the appointment of the voter."

In attempting to produce such proof, it appeared, that the appointment was only by the year, and the Committee, on that ground, decided the vote to be bad.^(d)

It was agreed by the parties, and adopted by the Committee, that the office of parish clerk is *prima facie*, an office for life, which confers a right to vote, and requires no assessment.^(e) But though the Committee adopted this agreement of the parties, they never decided, that any office, from its nature, was exempt from assessment, and once took occasion to declare this.^(f) The office of "one of the sworn clerks of the court of Chancery" having been vacant when the rate was made, was not assessed, and the vote was disallowed,^(g) but the office gives no title to vote.^(h)

In respect of Land Tax.

The statutes for the redemption of the land tax were consolidated by 42 G. 3, c. 116, which enacts, that persons claiming to vote for premises, the land tax whereon has

(a) 2 Lud. 531.

(b) *Ibid.* 529.

(c) Middlesex, 2 Peck, 90.

(d) 2 Peck, 88.

(e) 2 Peck, 88.

(f) 2 Peck, 88, in notes.

(g) *Ibid.*

(h) *Ante* and 2 Peck, 99.

been redeemed, &c. shall be entitled to vote, "without Land Tax. "being compelled to shew that such messuages, &c. have "been assessed to the land tax, upon proving to the satisfaction of the returning officer on oath, or otherwise, that "such land tax hath at any time previously to such Election been *redeemed or purchased*, and the said messuages, " &c. become exonerated therefrom."

Where, upon the contract of redemption being produced, the name of the purchaser appeared to be different from that of the voter on the poll, the Committee required proof of the title of the voter to the freehold; but it was held that a variance of the tenant on the poll, and the occupier described on the contract was immaterial, provided the identity of the premises was sufficiently proved.^(*)

CHAP. III.

Of the Elective Franchise for Cities, Towns, Boroughs, &c.

THE right of voting for the different cities, towns, and boroughs, depends upon the following different qualifications; but in some the franchise is enjoyed by virtue of some one of these different qualifications, in others it requires a combination of several, in order to confer the right.

I. Of persons who possess the right in respect of property:—

1. Freeholders.
2. Leaseholders.
3. Copyholders.
4. Burgage tenants.

II. Of persons who possess the right in respect of corporate privileges.

III. Of persons who possess the right in respect of inhabitancy:—

1. Inhabitants paying scot and lot.
2. Inhabitants, householders, housekeepers, potwal-
lers, legally settled.
3. Inhabitants, householders, resiant.
4. Inhabitants.

*Of Persons who possess the Right of Voting in respect of
Property, for Cities, Towns, Boroughs, &c.*

1. *Freeholders.*

Freeholders. In many cities and towns which are counties of themselves, the right of election depending upon usage, is in the freeholders of 40s. a-year, which probably originated in a mistaken application of the statute, 8 Hen. 6, c. 7. ^(a)

This right is recognised by the legislature in stat. 19, G. 2, c. 28, by which, together with the 3 G. 3, c. 24, the right of voting for cities and towns of this description is put, within the same restrictions with the right of voting for counties; except as to the assessment of the land and the registration of fee farm rents. For the stat. 20 G. 3, c. 17, which limits the assessment of the freehold *from twelve to six months*, and requires fee farm rents as well as annuities to be registered, extends only to counties at large.

Where the right of voting in a borough is attached to a freehold without reference to its annual value, the right is only controlled by the splitting act, ^(b) and the principle of the common law against occasionality, as a species of fraud. There are several cases of occasionality in the reports upon elections for boroughs, in which this right exists; but as every case (where this otherwise indefinite offence is not strictly defined by the legislature), must turn upon its own circumstances, they are merely referred to in the note. ^(c) In Wareham, however, the freeholders are put in the same situation with respect to a year's possession, as electors for counties. ^(d)

2. *Of Leaseholders.*

Leaseholders.

Leaseholders in several boroughs enjoy the elective franchise. In Cricklade leaseholders for terms of years (not less than three years) possess it; in all other boroughs where the right is attached to this tenure, the lease is deter-

^(a) See 2 Hey. 184.

^(b) 7 & 8 W. 3, c. 25.

^(c) 1 Peck, 359, 377. 1 Fras. 69.

^(d) 1747. Resolution of Committee adopted by the House. 2 Hey. 406.

minable on a life or lives, and thence it has been inferred Leaseholders. that the right was anciently confined to lessees having freehold interests in their tenements.^(a)

3. Copyholders.

Cricklade is the only borough where common copyholders Copyholders. enjoy the franchise; and occupation of the house for which the voter claims it, is required 40 days before the Election.^(b) Mr. Serjeant Heywood says, if their right was originally not connected with burgage tenure, he cannot look upon their interference at Elections in any other light than as an usurpation upon the rights of others, sanctioned by long enjoyment.

4. Burgage Tenants.

Littleton defines burgage tenure as follows: "Where an Burgage Tenants. ancient borough is, of which the king is Lord, and they that have tenements within the borough, hold of the king their tenements, that every tenant for his tenement ought to pay to the king certain rent by year, &c. and such tenure is but tenure in socage." "And the same manner is where another lord spiritual or temporal is lord of such borough." Sect. 162.

According to the above definition, if the tenement were divided into several parts, each part would be a burgage tenement, to which it might be presumed the right of voting was attached, for the statute of *quia emptores*, which, providing for the sale of lands or tenements, enacts, that the feoffee shall hold immediately of the lord of the fee, by the same services as the feoffor formerly held, extends to this tenure.^(c) But, according to the decisions of Committees, after such a division, the right of voting before annexed to the soil of the whole tenement, does not follow each of the separate parts, but is destroyed, or rather suspended,^(d) to revive again, if all the parts are reunited in the hands of one tenant.^(e) A burgage tenement, therefore, to give a right of voting, must be entire and undivided, as it existed before the time of legal memory.^(f)

(a) 2 Hey. 412.

(b) *Ibid.*, 413, 14.

(c) 2 Hey. 278.

(d) 2 Fras. 115, 2 Hey. 289 90.

(e) Downton, 1 Lud. 230.

(f) Horsham, 2. Fras. 151.

Burgage
Tenants.

In the Horsham case, the Committee resolved, "That the counsel for the sitting members be not permitted to offer evidence of any local usage in the borough, of splitting and dividing ancient burgages." In most of the burgage tenure boroughs, there are burgages denominated half burgages, quarter burgages, &c. accordingly as the rent varies from the full rent of a whole burgage. Thus in Downton, where the rent of a whole burgage is 1*s*. there are also burgages whose rents bear the proportion of one-half, one quarter, one-third, five-twelfths, and other various proportions to a whole burgage rent. Now as the right of voting is holden to be annexed to each of these, it is necessary, in order to bring them within the above rule, to suppose that they were either split before the time of legal memory, or so granted out originally by their lords,^(a) and in conformity with the last supposition, the terms half and quarter burgage in those boroughs, have been considered to imply not *division*, but *comparison*; not to be so called because they are such aliquot parts of an entire burgage, but because they are smaller burgages, bearing the proportion to the largest, of two or four to one.^(b)

By modern decisions it is required that the tenement should be not only entire and undivided, but that it should be subject to the payment of a rent certain to the lord, distinctly reserved. The payment of rent, however, and its distinct reservation, seem rather to be modes of proof resorted to for the purpose of establishing the entirety of the burgage than essential qualities; since many instances may be produced from doomsday-book, in which the tenure has existed without the reservation of any rent at all. Besides which the distinct reservation of rent for a tenement is the same as the reservation of rent for a distinct tenement, and the tenements must be distinguished from each other before the entirety of each can be shewn. Moreover in the case of Ashburton, it appears that separate votes were allowed to the tenants of certain lands holden of that borough, although a general rent was paid for those lands which was afterwards apportioned by the particular tenants among themselves.^(c)

So that although a distinct rent immemorially reserved,

(a) See 2 Hey. 278.

(b) 2 Hey. 293.

(c) 1 Peck, 349.

is strong evidence of the identity and entirety of a burgage, ^{Burgage Tenants.} it can scarcely be considered an essential incident.

The five following propositions as to the nature of this tenure were stated by the counsel in the Downton case. ^(*)

1. In a proper burgage tenure borough the right to vote is incident to the freehold interest of every burgage.

2. Such right may be suspended, but cannot be extinguished.

3. Every ancient tenement situate within such borough, and held by socage tenure, is a burgage.

4. The characteristics of a burgage are, that the tenant is liable to pay to the lord of the borough a rent certain, a relief upon descent, and a fine upon alienation.

5. The question whether a tenement is or is not a burgage tenement, being a question of prescription, the affirmative may be established by any of the modes of proof by which other prescriptions or customs are proved.

And in the Horsham case ^(b) it was also stated by counsel that the following points of inquiry have been generally made in questions of burgage tenure.

1. The name of the burgage, which if found in all the deeds to be the same, would afford a presumption in favour of the identity of the burgage.

2. The contents, which are extremely necessary to be considered in this tenure; because if any part of an aggregate specification were afterwards omitted, that omission, if no satisfactory account were given of it, would undoubtedly destroy the vote.

3. The boundaries, which if all along described in the same manner, will create a strong presumption in favour of the contents.

4. The rent, for though rents may be released or abandoned by the lord, where that is not the case, if the rent is lessened, and the contents are not proved to be the same, the presumption is that the burgage is not entire.

5. The situation of the streets.

Tenements locally situated within a borough, but belonging to another district, rendering feudal services and profits to distant lords, do not privilege their holders to vote with the other burgesses. ^(c)

^(*) 3 Lud. 270.

^(b) 2 Fra. 56.

^(c) 2 Fra. 110, 111.

Burgage
Tenants.

Though burgage tenure is socage tenure, yet as lands were holden both in free and villein socage, it is not inconsistent with the nature of burgage lands to be holden by copy of court roll.

The right of voting in Westbury was determined to be in every tenant of any burgage tenement in fee, for life or 99 years determinable on lives, or *by copy of court roll*, paying a burgage rent of 4d. or 2d. yearly, being resident within the borough and not receiving alms. ^(a)

The interest which the tenant is required to have in his burgage varies according to the usages of different boroughs. In some he must be seised in fee. ^(b) But in general the right of voting is in those who have a freehold interest, as Clitheroe, Old Sarum, and others. But it may be extended to burgage tenants *holding only for terms of years*, as in Westbury, 1702, 1715, and in Weobly, 1736, Bramber, 1703, and Great Bodmin, 1707-29. The *inhabitants* of burgage tenements were in some instances *admitted*, in others *decided*, to have the same privilege. ^(c)

In many cases this right has been claimed to be in burgage tenants *generally*, and their respective interests not specified in the journals. ^(d) The statute 7 8 W. c. 25, s. 7, is most general in its expression, "That no person shall be allowed to have any vote in election of members to serve in parliament for or by reason of any trust, estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits." And there seems no reason why boroughs of this description should be excluded from its operation. In the Horsham case, 1715, it was taken for granted to be applicable to burgage tenure. ^(e) But in Downton, 1784, where the vote of one claiming under a conveyance from the trustee was objected to as within the statute, his vote was allowed. ^(f)

Possession.

It seldom happens that the voter is in the actual possession of the tenement either by occupation or receipt of

^(a) 2 Hey. 235.—18 Jour. 154.

^(b) 2 Hey. 292. Richmond, 17 Jour. 482.

^(c) 2 Hey. 297.

^(d) 2 Hey. 297.

^(e) *Ibid.* 309.

^(f) 1 Lud. 147 See also 3 Lud. 205.

rent, yet he must be *legally* possessed, and prepared to deduce a title with as much regularity as upon the trial of an ejectment. Though possession of the land is *prima facie* evidence of a right to the fee simple, it was objected in several instances that possession alone of a burgage tenement without a title was not sufficient to support a vote. But an adverse possession for 20 years has been holden a sufficient title to establish a voter's right. ^(c)

Burgage
Tenants.

Occasionality.

As there is no time limited by statute, for which burgage tenants must have been in possession, it depends upon the statute of William, and the rules of the common law, whether occasional conveyances of this species of property confer the right of voting. The statute enacts—"That all conveyances of any messuages, &c. in order to multiply voices, or to split and divide the interest in any houses or lands amongst several persons to enable them to vote at elections of members to serve in parliament, are hereby declared to be void and of none effect, and that no more than one single vote shall be admitted to one and the same house or tenement." ^(b)

The operation of this statute is so dependant upon evidence of the intention of parties in the transfer of property, that a case must be very pregnant of fraud to fall within its application. The question has been fully discussed upon almost every petition against a return for a burgage tenure borough, and though there has been no express resolution upon the point, it seems to be considered that occasional conveyances in such boroughs are not illegal. ^(c) Mr. Serjeant Heywood, though he appears to think this notion inconsistent with the law, says, "It has been decided that by the law of parliament (which is part of the common law), conveyances of burgage tenements made under the most pregnant circumstances of legal fraud for the purposes of an Election were good and valid." ^(d) But I do not find any case where it has been expressly so decided.

^(c) Downton, 1 Lud. 199. ⁽²⁾ Hey. 307.

^(b) 78 W. 3, c. 25, s. 1.

^(c) 1 Doug. 209. 1 Peck, 313, 362, 340, 345.

^(d) 2 Hey. 332.

Burgage
Tenants.

In the case of *Onslow v. Rapley*, which was an action against the returning officer of Haslemere, then considered to be a burgage tenure borough, for a false return, such conveyances were severely censured by Sir Francis Pemberton, C. J., as illegal and unconstitutional. ^(a) And the Horsham Committee, in 1792, upon rejecting evidence of local usage in Horsham, of dividing ancient burgages, took occasion to declare, "that they meant to leave it open to the sitting member's counsel to shew, if they pleased, the occasionality of particular votes, for that they were *not* of opinion with the counsel for the petitioners, that because ancient burgages could not be split, the conveyance of them could not be occasional, but that if that question was meant to be agitated, the discussion ought to be brought on as soon as possible." ^(b)

Indeed it is difficult to understand why the *bonâ fide* purchase of a 40s. freehold a short time before an Election, for the avowed purpose of enjoying the elective franchise in a county, should, as to that object, be deemed fraudulent, and rendered ineffectual; whilst at the same time pretended conveyances of burgage houses, by which no property is ever intended to pass, but the voters are made the mere instruments of other persons, should confer the right of election for boroughs of that description. Perhaps one might have supposed this doctrine to have arisen from a false view of the above-mentioned clause in the 7 8 of W. 3, s. 25, as applicable to a prevailing principle of burgage tenure; that inasmuch as burgage tenements, in order to give the franchise, must have been *undivided* since the time of legal memory, therefore the prohibition to *split* and *divide* interests in houses, &c. could have no operation upon such boroughs; were not the inference so imperfect, that because a tenement must have been immemorably *undivided*, therefore it may not be colourably "*conveyed*, in order to multiply voices," both within the meaning of the statute and at common law.

*Of Persons who possess the Right of Voting in respect of
Corporate Privileges.*

Corporations aggregate are generally composed of mem-

^(a) 2 Hey. 339,—Somer's Tracts, 1 ^(b) 2 Fras. 52.
vol. 374.

bers of distinct ranks,^(a) the common freemen forming the Corporations. great mass of the corporation, from which one or more select bodies are chosen, according to the charters, or in prescriptive corporations, the usage. And the right of electing members of Parliament, exists either in the whole body, or a select part, according to the constitution of the corporation.

In some corporate towns the members of the corporation require a superadded qualification to entitle them to vote, as for example in Boston, where the right of election is in the mayor, aldermen, common council, and freemen, resident in the borough, paying scot and lot, such freemen claiming their freedom by birth or servitude.^(b) In others the freeholders,^(c) or inhabitant householders participate.^(d) The freemen of a corporation cannot exercise the elec- Admission. tive franchise unless regularly admitted and enrolled in the corporation books,^(e) and the entry of admission stamped,^(f) except where, by custom, an admission in form is unnecessary,^(g) in which case the Committee did not require evidence of the admissions enrolled on stamps.

A stamped admission, though not on the corporation books, may be received in evidence.

In the borough of Evesham, it appeared to have been the custom, for the town clerk to keep the stamped admissions together in a roll, instead of putting them in the book of the corporation. On this roll the admission of the voter was entered, on a proper stamp, corresponding with the entry of the voter's admission in the corporation books. It was resolved—"That the admission of the voter appeared to have "been entered on stamped paper, according to the provisions of the Act of Parliament."^(h) So where stamped admissions, kept on a file, had been afterwards sewn together in one roll, they were received as within the provisions of the Stamp Act.⁽ⁱ⁾

Proof of admission, with the service of a corporate office, is evidence of admission under a stamp. Where it appeared the voter had been admitted, but no stamped entry of admission was produced, his service of the

(a) There may be corporations where the members are all of equal authority, 1 Black. Comm. 478.

(b) Carew. 68.

(c) Norwich, 2 Hey. 384.

(d) Bedford, 2 Doug. 70.

(e) Worcester, 3 Doug. 248.

(f) 5 G. 3, c. 46.

(g) Sudbury, 2 Doug. 132, 175.

(h) Evesham, Corb. Dan. 51.

(i) Drogheda, Corb. Dan. 109.

Corporations. several offices of mayor, alderman, and sheriff, was holden sufficient evidence of the stamping.^(a)

So service of the office, either of mayor, alderman, sheriff, or common councilman, was received as evidence of having been sworn in.^(b) And where several persons had been sworn in six years before the day on which they polled, the Committee resolved, that they could not receive evidence to impeach their corporate rights.^(c)

By the Durham Act,^(d) the admission must have been a year before the Election, except in respect to persons entitled to their freedom by birth, marriage, or servitude; but the entry upon stamp will be sufficient at any subsequent period, even during the poll, if prior to the voting,^(e) but not after.^(f)

Persons within the exceptions in the Durham Act are qualified, though admitted after the teste and issuing of the writ of Election,^(g) except in Coventry.^(h) And where it appeared that many persons were admitted to their freedom immediately previous to, and during the Election, whose admissions were paid for by an agent of the sitting member, the sitting member was, nevertheless, declared duly elected.⁽ⁱ⁾

Persons within the exceptions in the Durham Act having been refused their admission, or having delayed their demand for admission, till it was too late to enforce it by application for a mandamus, should nevertheless, tender their vote at the Election, and proceed to obtain their admissions afterwards, as the Committee upon proof of such facts, will allow the vote.^(k) By 12 G. 3, c. 21. persons who have been improperly refused their admission shall, upon its being enforced by mandamus, receive all the costs of the proceedings from the mayor, or other officer, who so misconducted himself.

Of Persons who possess the Right of Voting in respect of Inhabitaney.

The right of election arising from inhabitaney is modi-

(a) Drogheda, Corb. Dan. 109.

(b) *Ibid.* 106.

(c) Evesham, Corb. Dan. 51.

(d) 3 G. 3, c. 15.

(e) Cardigan, 3 Doug. 188, 208.

(f) Drogheda, Corb. Dan. 109.
Doug. 215.

(g) Bristol, 1 Doug. 245, 288, note c.

(h) 21 G. 3, c. 54, s. 6.

(i) Worcester, Corb. Dan. 173.

(k) Okehampton, 1 Fras. 166. Shrewsbury, 1 Doug. 464, 470. Derby, 3

Doug. 300, 307.

sed in various ways, but in almost every borough, some additional qualification is necessary. In order to provide against occasionality in boroughs of this description, every voter is required to have been an inhabitant six months before the Election. "No person shall be admitted to vote " at any Election of a member or members to serve in Parliament for any city or borough of that part of Great Britain called England, or the dominion of Wales, as an " inhabitant paying scot and lot, or as an inhabitant " householder, housekeeper, and pot-waller, legally settled, " or as an inhabitant householder, housekeeper and pot-waller, or as an inhabitant householder resiant, or as " an inhabitant of such city or borough, unless he shall " have been actually and *bonâ fide* an inhabitant paying " scot and lot, or an inhabitant householder, housekeeper, " and pot-waller, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant " householder resiant, or an inhabitant within such city or borough six calendar months previous to the day of the " Election at which he shall tender his vote,"^(a) under penalty of 20l. "Not to extend to any person acquiring " the possession of any house, in any city or borough, by " descent, devise, marriage, or marriage settlement, or proposition to any office or benefice."^(b)

By the 2nd section of this Act, it is not to extend to persons "voting for such boroughs, by any other title or superadded qualification," yet in the Seaforth case it was extended to inhabitant *housekeepers* paying scot and lot.^(c)

Inhabitants paying Scot and Lot.

Whatever may have been the ancient signification of these terms, "scot and lot," in modern times has always been understood to mean parish taxes, or parish payments.^(d) And in all boroughs of this description, assessment and contribution to the poor rate is the usual criterion by which to determine who is a person "paying scot and lot." Though it is not the only criterion, for it has been holden, that a church rate would be admissible to shew who was

(a) 26 G. 3, c. 100, s. 1.

(b) *Ibid.*

(c) Simeon, N. 128, 2nd ed.

(d) 3 Doug. 129.

Paying scot
and lot.

an inhabitant paying scot and lot, if there was no poor rate.^(a)

Persons improp-
erly omitted.

Actual assessment and contribution is not always necessary, for if a person having rateable property is omitted; and uses due diligence to be put upon the rate, he will be entitled to exercise the franchise. The best criterion of due diligence is, an appeal against the rate, and in cases where the omission has not arisen from fraudulent misconduct in the parish officers, it is the only one.^(b) By the 43 Eliz. c. 2, s. 1, the churchwardens and overseers, or major part, with consent of two justices in or near the parish, &c. are to make the rate, and in order to avoid their improper exercise of this power, the 17 G. 2, c. 3. requires them to publish the rate in the church the next Sunday after it is allowed by the justices, and every inhabitant may inspect, and take copies of it, and appeal to the sessions against it.

It is not, however, in all cases necessary, that a voter improperly omitted, should *appeal* against the rate, in order to maintain his franchise. Wherever the omission of a person, possessed of rateable property, arises from the fraudulent misconduct of the parish officers, he will be permitted, after proof of such misconduct, to go into evidence of his rateability, upon the establishment of which his vote will be received.^(c) Though it was admitted by the counsel, in the case of Fowey, 1818, that it was necessary to establish both misconduct on the part of the officers, and due diligence on the part of those omitted to be put upon the rate.^(d)

Wherever the omission has been made without any wilful misconduct in the officers, it seems reasonable that the person supposing himself injured, should assert his right by an appeal to the proper tribunal, since a *bonâ fide* omission, on the part of the parish officer, creates a presumption that the right is doubtful. But where the omission is made by the officer's wilful misconduct, it ought not to cast upon a voter the necessity of subjecting himself to the inconvenience of asserting his franchise by a legal pro-

(a) Fowey Corb. Dan. 135.

(b) Leominster, 1 Peck 482. Seaford, 3 Lud. 58-87. Fowey 3 Doug. 147 n. *Vide* n. a. 1 Peck, 479.

(c) St. Ives, 2 Doug. 393. 3 Doug.

140. N. F. Strange 1259. Fowey, 1 Peck, 583. Mitchel, 1 Lud. 81. Peterborough, 3 Doug. 89.

(d) Corb. Dan. 129.

ceeding, or even of adopting any measures whatever, to be put upon the rate; misconduct in the officers making the rate, is a sufficient reason to shew that the rate is no fair criterion of the rateability of the inhabitants, and ought, therefore, to let in other proof.

Paying scot
and lot.

In one case the Committee refused to receive evidence of the following facts as proof of criminal partiality in the officers. That the person claiming to vote was, at the time of making the rate in question, possessed of the same property for which he was assessed in the rate immediately preceding; that whilst rated, he had always paid the rates; and that his circumstances were then as good as during the time he was rated.^(c) But where a rate had been *appealed against* and confirmed, evidence was received of the rateability of a voter, not on the rate, who had tendered his vote, to shew that the rate was partially made, and, therefore, not binding.^(b)

Yet, in a subsequent case, the Committee refused to hear evidence of fraud, in a rate which had been confirmed upon appeal.^(c) But where the rate had been made nine months before the Election, it being the custom in the borough to make one every six months, the Committee were willing to receive evidence of the rateability of persons omitted from the rate, in respect of property which they had acquired after the time of making the rate, and before the six months immediately preceding the Election.^(d)

It was holden in the Bridgewater case, ^(e) "that persons rated, and not having paid the rates before the day of Election, the rate being legally demanded, and no fraud appearing on the part of the overseers, were disqualified." This resolution, however, is expressly dissented from by the Shaftesbury Committee, 1813, who resolved, "that they did not confirm the resolution" above stated, and held, that twenty-seven votes objected against, on the ground of not having paid the last rates when demanded, were good votes, and ought to have been received, and placed on the poll.^(f)

Payment of
the rate.

In a still later case, however, a demand and refusal to pay a rate, which was subsequently quashed, was holden a disqualification.^(f)

(a) Peterborough, 3 Doug. 89, 120.

(e) Shaftesbury, Corb. Dan. 287.

(b) Fowey 1791, 3 Doug. 147. notes

(f) Fowey, Corb. Dan. 143, 168, n.

(c) Fowey, Corb. Dan. 260.

(g) 1 Peck, 108.

(d) Fowey, Corb. Dan. 262.]

Paying scot
and lot.

The demand and refusal ought to be clearly established. The demand should either be personal, or by some written paper left at the house amounting to a demand.^(c) Where, however, a demand was proved, and no payment appeared to have been afterwards made, the Committee held, that the subsequent non-payment amounted to a refusal, although no positive refusal was proved to have been given at the time of making the demand.^(d)

Where the rate being demanded of the wife only, remained unpaid, the vote was received, except in one instance, where it appeared that the wife generally paid the rates and taxes.^(e) And, it seems, that payment of the rates, even after a vote has been tendered, and rejected, for non-payment, will entitle the voter to poll. *Cullen v. Morris.*^(f)

A refusal will not, in all cases, disqualify, as where it is accompanied with a sufficient excuse. The voter had a bill upon the parish for shoes furnished to the paupers, he gave that as a reason for his refusal, and though the bill did not exceed half of the rates due, the vote was allowed. So where a voter having rateable property, was charged for other property, not in his occupation, and had given notice of appeal on that ground.^(g)

A person may be excused paying the rates, or they may be returned to him upon his own application, for a sufficient cause, and he will not be thereby disqualified.^(h) But if they are compounded for by the landlord,⁽ⁱ⁾ or the payment is not altogether *bonâ fide*, as where a gamekeeper paid the rates for a house in which he lived rent free, but they were allowed him by his master, the voter is disqualified.^(k)

Residence.

As no person shall be admitted to vote as an inhabitant paying scot and lot, unless he shall have been *bonâ fide* an inhabitant, paying scot and lot, six calendar months previous to the day of Election, unless the house came to him by descent, devise, marriage, or marriage settlement, or promotion to any office, or benefice, wherever evidence of rateability is received, to establish the votes of persons

(c) *Cullen v. Morris*. London Sit-
tings, before Hilary Term 1820. Corb.
Dan. 168.

(d) Corb. Dan. 167.

(e) *Ibid.* 168.

(f) *Ibid.* 170-1. Sed vid. *Simeon*, 135.

1 Peck, 108.

(g) Corb. and Dan. 167.

(h) Colchester, 1 Peck. 507-8.

(i) Southwark, 2 Peck, 160.

(k) Cirencester, 2 Fras. 453.

omitted in the rate, they must be shewn to have been rate-
 able inhabitants six months previous to the Election. An
 administrator, who, by virtue of letters of administration,
 had become possessed of leasehold property in a borough
 more than six months before the Election, upon which he
 permitted another person to reside up to the time of the
 Election, is not within the exceptions in this statute, nor en-
 titled to vote.^(a) But a miller, whose house was out of the
 borough, attended daily at his mill within the borough, and
 occasionally slept there, in a room kept for that purpose;
 he was holden an inhabitant.^(b) For it is not necessary in
 a borough of this description, that a voter should be an in-
 habitant *householder*.^(c)

Paying scot
and lot.

Not only the votes of persons improperly omitted, will be
 received, but the votes of those improperly rated, will be
 rejected, if criminal partiality in the officers be proved, though
 the rate has not been appealed against.^(d) In the same case
 it was holden, that the mere fact of improperly rating a
 person not possessed of rateable property, is not sufficient
 evidence of misconduct.^(e)

Informality in making the rate, if there is no fraud, will
 not prevent its reception, as evidence of the voter's pos-
 session of rateable property. As where it was doubtful
 whether the appointment of the overseers was a legal one;^(f)
 so a rate which was retrospective, and informally signed,
 was received in evidence to prove the voter possessed of
 rateable property.^(g) And where the rate immediately pre-
 ceding the Election had been quashed, the names of several
 voters having been omitted, a rate made after the Election,
 in which these names were inserted, was received, to prove
 due diligence.^(h) But a mistake in the christian name of
 the voter is fatal.⁽ⁱ⁾

Rate infor-
mal.

The Court of K. B. have holden, that in an action of tres-
 pass for a distress for non-payment of a poor's rate, the
 plaintiff cannot avail himself of the informality of the
 rate.^(k)

(a) Milborn Port. Corb. Dan. 225

(b) *Ibid.* 228.

(c) *Ibid.* 227.

(d) Milborn Port. Phillips, 273.—
 Orme 245.

(e) *Ibid.*

(f) Milborn Port. 1 Doug. 126.

(g) 2 Peck. 394.

(h) Fowey, Corb. Dan. 134.

(i) 2 Peck, 395.

(j) 1 Bur. 580. 6 T. R. 580.

*Inhabitants, Householders, Housekeepers, and Potwallers,
legally settled.*

Householders. In the Cirencester case,^(c) the Committee resolved, "that
 " no person can be deemed a householder who does not pos-
 " sess an exclusive right to the use of the outward door of
 " the building, although by taking inmates he may have
 " relinquished, for a time, the exercise of that exclusive
 " right; neither can a person whose habitation is composed
 " of more apartments than one be deemed a householder,
 " unless he also possesses an exclusive right to the use of
 " the stair-case, doorway, or other passage, that forms the
 " means of communication between his several apartments,
 " although by taking inmates, he may have relinquished, for
 " a time, the exercise of that right. The original right to
 " the exclusive use is then the point of discrimination
 " between the householder on the one hand, and the in-
 " mate on the other. The term, outward door to the build-
 " ing, does not include in its meaning the gates or outward
 " door of a court, or passage, open to the sky. A house may
 " contain a single apartment, but it does not follow that a
 " single apartment, though furnished with a separate out-
 " ward door, will constitute a house; for a shop, or stall,
 " unless used as a dwelling, is not a house."^(b)

The legal meaning of the terms, householders and in-
 mates, must be determined on the general principles of the
 law of the land, not on any ideas suggested by local usage.
 If a passage, though covered, is considered as a street, all
 the houses that have separate outward doors opening into
 that passage "are good votes."^(c) Where the right of Election
 is "in the bailiffs, burgesses, and freemen, being house-
 " holders of, and resident in the ancient burghage houses
 " within the borough," a freeman being a *bonâ fide* house-
 holder, and resident in an ancient burghage house within
 the borough, is not disqualified by taking into his house
 lodgers or inmates.^(d)

Potwallers. Potwallers are persons who furnish their own diet,
 whether housekeeper or lodger.^(c) But a legal parochial
 settlement in the borough of Taunton is also required by the
 custom of that place.

(c) 2 Fra. 449.

(b) *Ibid.*

(c) *Ibid.*

(d) Chippenham, 1 Peck, 273.

(c) Taunton, 1 Doug. 371.

The 35 G. 3, c. 101. s. 4. which enacts that no person shall gain a settlement by paying taxes for a *tenement* under 10*l.* annual value, does not affect the case of stock in trade, for which parish taxes are paid, to however small an amount, but that a settlement is thereby gained, under 3 4 W. & M. c. 11. for paying a share of the parish taxes.^(c) Legally settled.

There are also other terms, viz. *commonalty* and *populacy*; Commonalty.
which are sometimes descriptive of part of a corporation, but when used to designate particular *descriptions of inhabitants*, have been taken by Committees in different senses. Commonalty has sometimes an extended, sometimes a restricted sense; in Bridport it was holden to comprehend^(b) "inhabitants, householders, paying scot and lot." In Warwick those "who pay to church and poor."^(c) For Plymouth it is used in its corporate sense, and only comprises the "freemen of the borough."

Populacy was, in Honiton, considered as synonymous to Populacy.
potwaller;^(c) in Seaford, "inhabitants, housekeepers, paying scot and lot."^(f)

With respect to residence, it is also necessary, Residence.
by the custom of some particular boroughs,^(g) and where such custom exists, the residence must be *bonâ fide*, and not colourable,^(h) or in a parliamentary sense occasional; it must be obvious, however, that cases occur where it is difficult to draw the line betwixt real and colourable residence, since persons may have various *bonâ fide* residences.⁽ⁱ⁾ And it may be, that a voter justly exercises the franchise for a borough where residence is required, without ever having resided,^(k) as in the following case.

The right of Election was "in the *freemen* of the borough "admitted at a full court by the mayor, aldermen, common "councilmen, and burgesses, *such freemen being resident, "and paying scot and lot, in all cases, except where no rate "has taken place subsequent to their admission."* It was determined by the Committee, that a person admitted a freeman immediately before the Election, though he had

(c) 2 Ilchester, 2 Peck. 251.

(b) 29 Journ. 204.

(c) Carew, 209. 10.

Vid. Poole, 2 Doug. 230.

(f) 3 Lud. 159.

(f) 3 Doug. 29.

(g) Vide Orme, 237.

(h) Chippenham, 1 Peck, 273. Rex v. Serjeant, 5. T. R. 466. Rex v. D. of Richmond, 6 T. R. 560.

(i) Harwich, 1 Peck, 389.

(k) Great Grimsby, 1 Peck, 62-64.

never previously been resident, nor had paid scot and lot, (no rate having been made between the period of his admission and his voting), though he returned immediately after the Election to his family and former dwelling, and though he had gone to the borough for the sole purpose of being admitted to his freedom, and voting at the Election, was entitled to vote. (c)

Inhabitants.

It is laid down generally, that inhabitancy alone, without some superadded qualification, never confers the elective franchise; yet in the case of Preston, there are four decisions in favour of the right in all the inhabitants of the borough. The first was after the Restoration in 1661, the second 1768, upon a trial of the merits at the bar of the House, the third and fourth in 1781 and 1785.

But the Select Committee in 1781, who considered themselves bound by the statute, 2 Geo. 2, to abide by the determination in 1661, as a last determination, resolved that the chairman should move to bring in a bill to restrict the right as too indefinite, no such bill however was introduced.

Lord Coke, in his exposition of the statute of bridges, says, *ex vi termini*, every person that dwelleth in any shire, riding, city, or town corporate, though he hath but a *personal* residence, yet is he said in law to be an inhabitant or a dweller there, as servants, &c. though he holds, that the statute upon which he is commenting, from its *nature* and *subject matter*, has not so general a meaning. (d)

In the borough of Tregony, the right is in all the inhabitants who provide for themselves, whether they live under the same roof or not.

(c) Great Grimsby, 1 Peck, 64—70.

(d) 2 Inst. 703.

CHAP. IV.

Of Votes thrown away and lost.

It sometimes happens, that persons not qualified by law to sit in Parliament, are elected and returned. Where such Elections have been petitioned against, the Committees have in most instances, not declared the Election altogether void, but have seated the petitioning candidate who stood next upon the poll to the person improperly returned, if the electors had timely notice of his incapacity. Mr. Serjeant Heywood states, "that votes tendered for a person who is disqualified to sit in Parliament, are thrown away and lost,"—and "if before the Election comes on, or a majority has polled, notice is publicly given of his disability, the unsuccessful candidate next to him on the poll must ultimately be the sitting member."^(*)

Votes thrown
away and lost.

In a note to the Leominster case,^(b) the reporters have substituted a more limited rule, and "contend that this principle has at least been established, that where the disqualification is created *by statute*, and the fact bringing the party within the operation of the Act is contradicted and notorious, a candidate labouring under such disqualification is no longer eligible, and is for the purposes of the then Election to be considered as one not "in esse." There appears, however, no reason why a statutable disability should have a wider operation than any other, and therefore, although in the cases where the petitioner has been seated, the disability was created by statute, that circumstance is merely accidental, and not *essential* to the decision. Mr. Simeon says, if a person "who is *clearly ineligible*" becomes a candidate, and notice is given, "*and sufficient proof*" shewn or tendered, to the voters of the facts which render him so, the voices given to him are thrown away, and the candidate with the next greatest number of votes duly elected.^(c) But these phrases are too vague to constitute a rule; *ineligibility*

(*) 1 Heyw. 534-5.

(b) Simeon, 45.

(c) Corb. Dan. 13.

Votes thrown
away and lost

which may be *clear* to one man, or one Committee, may be doubtful to another; *proof* which is *sufficient* for one, is not so for another. The first mentioned rule proposed by Mr. Serjeant Heywood, is the only one which is precise and universal, and it is in conformity with the decisions of the Court of King's Bench upon Elections to corporate offices; ^(a) but there is no express resolution of any Committee to that effect, ^(b) nor is it warranted by *all* the cases.

By the statute 6 Ann, c. 7, a person possessed of an office, or place of profit under the Crown, created since October 1705, is disqualified for parliament. General Skene, the candidate who was afterwards returned, admitted at the Election, that he held the offices of baggage master to the forces, and inspector of roads in N. B. for which he received a salary, but denied that those offices were within the statute. The Committee being of opinion, that the novel creation of one of the offices was *notorious*, and that it was within the statute, seated the petitioner. ^(c) At the Flintshire Election notice was given to the returning officer and electors, that Sir Thomas Mostyn, one of the candidates, was a minor; he was nevertheless returned, but the Committee voted his return vexatious, and seated the other candidate with a minority of votes. ^(d)

So where an Election has been avoided, and the candidate who was returned declared by the Committee guilty of bribery, or treating, notice of the fact given to the electors at the *next Election*, will, if the same candidate is again returned, not merely avoid the Election, but have the effect of seating the petitioner. ^(e)

So where the petitioning candidate at the previous Election had been declared guilty of bribery, and notice to that effect was given to the electors at the next Election, his return upon the second Election was avoided, and the candidate in the minority seated. ^(f)

But in the case of Abingdon, where notice was given that one of the candidates was sheriff of the county, notwithstanding which the returning officer voted for him as well as the majority of the electors, it was holden a void

^(a) See Cowper, 537. 10 East. 217.

14 East. 559.

^(b) 1 Peck, 496, 500.

^(c) Fife, 2 Lud. 455.

^(d) 1 Peck, 526.

^(e) Southwark, Clifford, 345. Canterbury, *Ibid.* 337.

^(f) Kirkcudbright, 1 Lud. 72.

Election. ^(a) As in this last case the returning officer voted for the ineligible candidate, it might have been considered, that the electors ought not to lose their franchise, in deferring to his judgment upon the qualification of a candidate; but in the Southwark case, ^(b) (where the petitioner was seated, upon proof that the voters had notice of treating by the sitting member at the former Election), the returning officer said he would receive the votes tendered for either candidate; that he had consulted counsel on the question of the candidate whom he afterwards returned, and they were of opinion he was eligible.

Votes thrown
away and lost.

In the following case there were two points for the consideration of the Committee, and from the terms of their decision, it does not appear upon which of those points it turned. Sir W. C. Fairlie being candidate at the Election, was duly required to take the qualification oath prescribed by 9 Ann, c. 5, s. 5, which he refused to do, and notice was thereupon given to the electors that he was ineligible. The Election however was proceeded in, and during the poll, Sir W. C. F. being again required to take the oath, complied with the requisition, having in the mean time entered into the following agreement for the purpose of establishing a qualification. He agreed with a man and his wife for the purchase of an estate of the requisite value, which had been settled by the husband at the time of his marriage on his wife for life, with remainder to the children of the marriage, and in default thereof to himself in fee. They had no children, and she was fifty-six. This agreement was reduced into writing, and the title deeds deposited in the hands of a third person; at the same time Sir W. C. F. gave the husband a cheque on his banker in London, on an unstamped paper, for 8,000*l.*, and the joint bond of himself and agent for 3,000*l.* more. No money passed till some months after, when the husband received the 8,000*l.* at the banker's. Sir W. C. Fairlie had possession of the deeds, but no conveyance was ever made, nor did any change of possession take place; and on the day after the husband received the money, he repaid it to Sir W. C. F. at his request by a cheque, and Sir W. C. F. at the husband's request, delivered the title

(a) 1 Doug. 419.

(b) Clifford, 224. See, 1 Peck, 560.

Votes thrown
away and lost.

deeds to the husband's attorney. No money passed afterwards, nor was any conveyance made; though the husband declared he would have conveyed upon receipt of the purchase money. The first question was, whether Sir W. C. Fairlie having *once* refused to take the oath, being duly required, was disqualified for that Election, or whether the effect of such refusal was destroyed by the subsequent compliance? The second question was, whether supposing him to have duly complied with the statute, by taking the oath upon the second application, the agreement for the purchase made during the poll was a sufficient qualification? The Committee decided, that "Sir W. C. Fairlie not being qualified is not duly elected; that J. H." (the other candidate with a minority) "was duly elected, and ought to have been returned." That the opposition, &c. was not vexatious. It seems to be clear, that the agreement for the purchase during the poll, was insufficient, for more causes than one, to create a qualification. This want of qualification, therefore, was alone enough to avoid the election of Sir W. C. F.; but it was surely not sufficient to seat the petitioner, since the electors had no notice in respect to that qualification; of the validity of which, had notice been given, they were unable to judge. Unless the Committee proceeded upon the ground that the votes were thrown away by the notorious refusal of Sir W. C. F. to take the oath, their seating the petitioner was contrary to the former decisions; it must therefore be inferred, that the Committee considered the refusal to comply with the statute in the first instance, as creating a disability of which due notice was given to the electors. It is impossible, however, to ascertain how far the two questions were separated in the consideration of the Committee. (*)

CHAP. V.

Of Violations of the Freedom of Elections.

Bribery.

- 1st. BY BRIBERY AND TREATING.
 - 2nd. BY MILITARY INTERFERENCE.
 - 3rd. BY RIOTS.
 - 4th. BY THE INTERFERENCE OF PEERS, &c.
-

(*) Leominster, Corb. Dan. 1.

Bribery.

Bribery at an Election is the creation, or the attempt to create, an undue influence over the disposition of suffrages by a lucrative consideration; or a voluntary subjection to such influence.

"Wherever a person is bound by law to act without any view to his own private emolument, and another by a corrupt contract engages such person on condition of the payment or promise of money, or other lucrative consideration, to act in a manner which he shall prescribe, both parties are by such contract guilty of bribery." (a)

A wager laid by two voters in opposite interests upon the event of an Election, is bribery, for they are biassed in the disposition of their votes by the hope of pecuniary compensation. (b) Though it was always an offence at common law, (c) it is thought that no prosecution for this species of bribery took place till after the Bribery Act, (d) for which the jealousy of the Commons in regard to their privileges sufficiently accounts. As soon, however, as the Commons began to rise into importance, and a seat was considered of sufficient political value to be purchased, they were not slow to discover and attempt themselves to repress the pernicious consequences of such corruption.

The first instance of bribery on the journals, is the case of Thomas Longe, in the reign of Queen Elizabeth, who was fined 20*l.* (e) and removed.

"The nature of the causes where questions of bribery arise, and are litigated by counsel, is such, that it is for the most part impossible to deduce from the determination of the Committee, what their opinion was upon those particular questions." (f)

Thus where an Election was holden good, though money was given two years before under such circumstances of caution and concealment, as could leave no doubt of the intention to corrupt, yet it is impossible to infer that the Committee considered the length of time which intervened as destructive of the corrupting influence, or rebutting the corrupt intention, since it also appeared doubtful how

(a) 2 Doug. 400.

(b) *Allen v. Hearne*, 1 T. R. 56.

(c) 3 Burr. 1338.

(d) 2 G. 2, c. 24. *Ibid.* *Vid.* 16

G. 2, c. 11, s. 33, 34, as to bribery in Scotland.

(e) May 1571. 1 Jour. 88.

(f) 2 Doug. 400.

Bribery.

far the sitting members were connected with the transaction. ^(a)

So in several cases, evidence of a compensation for travelling expenses and loss of time has been adduced to support a charge of bribery; but from the nature of the proceedings in those cases, the distinct question was not specifically raised and decided, being either mixed up with other circumstances sufficient in themselves to have avoided the Election, or the money being given for the loss of a longer period of time than was necessary for the voters to remain, in order to give their suffrages,—as in the Berwick case. ^(b)

But the payment of fees upon the admission of freemen out of a sum raised by subscription, to which the candidate had not contributed, and where no previous promise was exacted from the voter, has been holden not to be bribery. ^(c)

And the same as to the distribution of money *after* an Election. ^(d) But this must be unconnected with any previous promise, and after the Election is concluded.

Treating.

Treating.

Though treating, in most of the instances where it takes place, would fall within the description of bribery, yet as it does not necessarily amount to that offence, it was specifically provided against, first by order of the House declaring it to be bribery, if extended beyond a limited expense—and afterwards by statute. ^(e) The order is as follows: ^(f)

“ If any person, &c. after the teste or issuing out of the writ or writs of Election, shall by himself, or any other in his behalf, or at his charge, at any time before the day of his Election, give any person or persons, having a vote in any such Election, any meat or drink exceeding in the true value of 10*l.* in the whole, in any place or places, but in his own dwelling-house, or habitation, being the usual place of his abode for six months last

^(a) Ilchester, 1 Lud. 461.

^(b) Worcester, 3 Doug. 239. Ipswich, 1 Lud. 21. Berwick, 1 Peck, 401. Boston, *Ibid.* 434. Barnstaple, *Ibid.* 91. Durham, 2 Peck 178. Herefordshire, 1 Peck, 186.

^(c) Bristol, 1 Doug. 243, 268.

^(d) Sudbury, 2 Doug. 137. Cirencester, 1 Peck, 467.

^(e) 7 W. 3, c. 4.

^(f) 2 Doug. 404.

"past, or shall, before such Election be made and de- Treating.
 "clared, make any other present, gift, or reward, or pro-
 "mise, obligation, or engagement to do the same, either
 "to any such person or persons in particular, or to any
 "such county, city, town, port, or borough in general; or
 "to, or for the use or benefit of them, or any of them;
 "every such entertainment, present, gift, reward, promise,
 "obligation or engagement, is by this House declared to
 "be bribery: and such entertainment, present, gift, re-
 "ward, promise, obligation or engagement, being duly
 "proved, is and shall be sufficient ground, cause and
 "matter, to make every such Election void, as to the
 "person so offending, and to render the person so elected
 "incapable to sit in Parliament by such Election; and
 "hereof the Committee of Elections and Privileges is ap-
 "pointed to take special notice and care; and to act and
 "determine matters coming before them accordingly."

Lavish entertainment after the issuing of the writ, is not only within the treating act, but is also such evidence of corruption as makes it an act of bribery; yet there may be a species of treating falling within the words of the statute, and therefore illegal, which does not amount to bribery, either at common law or under the 2nd G. 2, c. 24. As moderate entertainment, not charged to have been given with a view of influencing voters, but merely for the necessary refreshment of such as come to the poll. (c)

It is probable a Committee would decide, if the question were brought distinctly before them, that a *bona fide* reasonable compensation to an out-voter for travelling expenses and loss of time, is illegal under the treating act. (d)

But where the candidate on the first day of Election, having no apprehension of a contest, and expecting to be immediately chosen without a poll, had ordered an entertainment to be given to his friends when the Election should be over, but finding another candidate unexpectedly appear, countermanded it, and gave orders by his agents, that no meat or drink should be given away till

(c) Middlesex, 2 Peck, 31.

there cited, and Ribbons and Cricket.

(d) See the Argument in the Durham case. 2 Peck, 177, the cases

1 Bos. and Pull. 264.

Treating.

after the Election; although his voters received sealed tickets, by which they procured entertainment at certain public houses, the expenses of which were paid by the candidate, he was declared duly elected. His counsel laid great stress upon the particular circumstances of this case, the local situation of the county town, the suddenness of the opposition, and the conduct of the opposite candidate.^(*)

Besides the practice of purchasing individual votes, there sprung up a system of corruption far more extensive, in which the commanding influence in a borough was transferred, either for a sum of money paid down at once; or with a more accurate calculation of traffic, for an annual payment during the continuance of Parliament; the sitting member thus purchasing the return of him who had previously purchased the power of returning. To repress this practice, the 49 G. 3, c. 118, was passed, by which it is made highly penal to enter into any pecuniary engagement for *procuring* the return of a member of Parliament.

Of the Effects of Bribery.

Effects of
bribery.

The Bribery Act makes no mention of any parliamentary disqualification, affecting a member's seat; the effect therefore of an act of bribery not within the words of the statute, 7 W. 3, c. 4, is in that respect determined by the law of Parliament as follows.

Bribery by a candidate, though in one instance only, and though a majority of unbribed votes remain in his favour, will avoid the particular Election,^(b) and disqualify him from being re-elected to fill such vacancy.^(c)

This disqualification extends not only to *candidates* at the prior Election. It seems that any person having committed an act of bribery at an Election which is afterwards

(*) Radnorshire, 1 Peck, 404.

(b) St. Ives, 2 Doug. 389, 414.

It was once held in the Chippenham case, that the Election was not thereby avoided, but that the candidate with a minority of votes should be declared duly elected, but it is now understood, that the

petitioner must disqualify by bribery a sufficient number of the sitting member's votes to leave himself a majority before he can be entitled to the seat. 2 Doug. notes St. Ives.

(c) Camelford. Corb. Dan. 249, and the cases there cited.

avoided, though for another cause, is disqualified for the next immediate vacancy. ^(c) Effects of bribery.

And as proof of bribery at a prior Election, disqualifies a person from sitting if chosen at the next, so if the bribery has been declared by the judgment of a committee or court of competent jurisdiction, and made known to the electors during the Election, the Election will not be avoided, but the petitioning candidate though with the minority of votes will be seated; the votes given to a candidate after sufficient notice of such disqualification being considered as thrown away. ^(b)

Nor is it necessary that the judgment specifically declare the candidate guilty of bribery; a decision that the Election is void upon a petition containing *no other allegations* than bribery and corrupt practice, will be considered tantamount to such a declaration. ^(c) Though Mr. Luder, in a note upon the Ipswich case, ^(d) thinks differently.

The incapacity from bribery affects the petitioning candidate equally with the sitting member, as where the petitioner established a majority of votes, and was proved guilty of bribery, the Election was avoided, and he was disqualified for the vacancy so occasioned. ^(e)

Effects of Treating.

Treating not only avoids the candidates return at the particular Election, but, according to the received construction of the statute, disqualifies him at a subsequent Election to supply the vacancy so occasioned. ^(f) Effects of treating.

Committees have, however, formerly decided in the opposite *extremes* upon the effect of the Treating Act. In the Thetford case, ^(g) it was held a disqualification for the particular borough *during the continuance of the same Parliament*. In the Norwich case, ^(h) it was held not even to affect the candidate on the *immediate vacancy*.

^(c) Camelford, *Ibid*.

^(b) Kirkcudbright, 1 Lud. 72. Penryn, Corb. Dan. 59, 60.

^(c) Honiton, 3 Lud. 162. *Camelford*, Clifford, 361.

^(d) 1 Lud. 70.

^(e) Kirkcudbright, 1 Lud. 72.

^(f) First and second Southwark, Clifford.

^(g) 18 Jour. 145.

^(h) 3 Lud. 455

2dly. Military Interference.

Military
interference.

The House of Commons passed a resolution in 1645,^(a) “against any interruption to the freedom of election, by “any commander, governor, officer, or soldier, that hath “not the right of electing,” and the 8 G. 2, c. 30, which recognizes by its preamble, that by the antient common law of the land, all Elections ought to be free,^(b) enacts, “That when, and as often as any election of any peer or “peers, to represent the peers of Scotland in parliament, “or of any member or members to serve in parliament, “shall be appointed to be made, the secretary at war for “the time being, or in case there shall be no secretary at “war,” the person officiating in his place, “shall at some “convenient time before the day appointed for such Elec- “tion, issue and send forth proper orders in writing for the “removal of every such regiment, troop, or company, or “other number of soldiers as shall be quartered or billeted “in any such city, &c. or place where such election shall be “appointed to be made, out of every such city, &c. or place, “one day at the least before the day appointed for such “Election, to the distance of two or more miles from such “city, &c. and not to make any nearer approach to such “city, &c.” until one day after the ending of the poll, and close of the poll books. And this is to be done by the secretary under penalty of forfeiting his office, with incapacity of holding any other, upon conviction.^(c) But in the case of a particular vacancy during the existence of parliament, he is not subject to the penalty, unless he has received notice of the vacancy by the officer making out the new writ.^(d)

Soldiers may
vote.

There is, however, an exception in the Act, as to Westminster and Southwark, in respect of the king's guards, as well as all other places where any of the royal family are resident at the time, in respect of their guards, and as to all fortified places for the soldiers composing the garrison.^(e) Nor does it extend to prevent individual soldiers or officers giving their votes.^(f)

(a) 4 Journ. 346.

(b) *Vide* 3 Ed. 1. c. 5.

(c) S. 1.

(d) S. 5.

(e) S. 3.

(f) S. 4.

3dly. By Riots.

If riots are carried to a great extent, accompanied with Riots. personal intimidation, and exclude the possibility of a fair exercise of the franchise, they will avoid the Election.^(c)

4thly. By Peers, &c.

The freedom of Election may be disturbed not only by force, but by undue or corrupt influence; this also is provided against by a resolution passed at the beginning of every session, and by a standing order to the effect, "that it is a high infringement of the liberties of the Commons for any Peer except Irish Peers, when candidates for places in G. B. to concern themselves in the Election of members of the House of Commons." And a declaration to the same effect was made by the House in 1779, in respect of the ministers and servants of the crown.^(b)

In the Worcester case^(c) the Select Committee held themselves bound by the words of their oaths to try "the matter of the petition," to receive proof of a peer interfering by canvass and solicitation, which was alleged in the petition, but no special report was made to the House.

Interference in Elections is prohibited by various statutes, to persons concerned in the collection of the revenues, or ^{Of some public officers.} in the post office.

No officer of the excise,^(d) or customs,^(e) or person employed in collecting, &c. the duties upon hides, and other articles mentioned in the stat. 9 Ann, c. 11.^(f) or upon soap, and the other articles mentioned in 10 Ann, c. 19.^(g) nor any post-master general, or person employed in collecting, &c. the revenue of the post office,^(h) shall "in any manner endeavour to persuade any elector to give, or dissuade any elector from giving his vote for the choice of any person," &c. to serve in parliament.

(c) Orme, 18. 1 Peck. 77. 1 Doug. 293.

(b) 37 Jour. 507.

(c) 3 Doug. 255.

(d) 5 W. M., c. 20, s. 48.

(e) 12 13 W. 3, c. 10, s. 91.

(f) S. 49.

(g) S. 122.

(h) 9 Ann. c. 10, s. 44.

CHAP. VI.

Of Persons not competent to be Members of the House of Commons.

Who are ineligible to the House of Commons.

The following persons are ineligible to the House of Commons :—Aliens^(a) denizens or naturalized aliens.^(b) Persons attainted of treason or felony.^(c) Outlaws in criminal but not civil proceedings.^(d) Idiots^(e) and lunatics, unless in lucid intervals,^(f) and the seat of a member becoming lunatic may be avoided.^(g) Minors.^(h) Clergymen,⁽ⁱ⁾ Papists, as they cannot take the necessary oaths.^(k) Peers. Scotch peers. Irish peers for places in Ireland.^(m) The eldest sons of Scotch peers for places in Scotland.⁽ⁿ⁾ The twelve judges of England.^(o) Scotch judges and barons of the Scotch Exchequer.^(p)

Returning officers for their respective jurisdictions. Each sheriff for his own county or any borough, &c. within it,^(q) each mayor or bailiff for the particular borough or place for which he makes the return.^(r) But the sheriff of a county at large may be elected for a town being a county of itself, though within the local limits of the county at large, as the sheriff of Hampshire for Southampton.^(s)

Where the influence of Government is supposed to have a direct control, a disqualification has been created by various statutes. Thus persons concerned in the management of the revenues with some exceptions are ineligible.^(t)

Persons holding new offices under the crown, created since 1705,^(u) together with the other persons mentioned in the same Act, are ineligible. So pensioners during pleasure or for term of years.^(v) But a pension received by the wife

(a) 4 Inst. 47.

(b) 12 13 W. 3, c. 2, s. 3.

(c) 4 Inst. 47.—Whitel, c. 99.

(d) 2 Hats. 37.—Glan. 125.—*Vide* Orm, 255.

(e) Hale Parl. 116,

(f) *Ibid.*

(g) Grampound D'Ewes, 126.

(h) 1 Bl. Com. 162. 7 8 W. 3, c. 25. Flint 1 Peck, 566.

(i) 41 G. 3, c. 63. *Vide* 1 Bl. Com. 175. 4 Inst. 47. 2 Lud. 269.

(k) 30 C. 2, st. 2, c. 1.

(m) 39 40 G. 3, c. 67, Art. 4.

(n) 13 Jour. 27.—14 Jour. 27.

(o) 4 Inst. 47.

(p) 7 G. 2, c. 16, s. 4.

(q) 9 Jour. 725. Abingdon 1 Doug. 419.—See the form of the writ, and Orme, 259.

(r) *Ibid.*

(s) Southampton, 4 Doug. 87.

(t) 5 W. M. c. 7, s. 57. 11 12 W. 3, c. 2, s. 150, 1, 2. 41 G. 3, c. 52, for Ireland.

(u) 6 Ann, c. 7, s. 25.

(v) *Ibid.* 1 G. 1, st. 2, c. 56.

does not disqualify the husband. ^(a) Government contractors, ^(b) and placemen in the public offices specified in the 15 G. 2, c. 22, s. 9. are disqualified.

Who are ineligible to the House of Commons.

All the above-mentioned persons are incapable of being *elected*, sitting or voting, but there are offices connected with the excise and customs which only disqualify the holders from sitting or voting, but not from being elected. ^(c) These therefore if elected may make their Election good, and enable themselves to sit and vote by resigning the office after the Election and before they take their seats. ^(d) With respect to the resignation of a disqualifying office, it has been decided that an office rendering *he holder ineligible*, if resigned previous to the Election, though the resignation be not formally accepted, does not operate as a disqualification. ^(e)

Persons returned upon a double return are not competent to sit until the return is decided by a Committee. ^(f) But petitioners are eligible for any other place during the trial of their petition. ^(g)

Absence from England is no ground of ineligibility, ^(h) though it was once resolved to be so. ⁽ⁱ⁾ And it is said to be doubtful whether being in gaol in execution on a judgment renders a man ineligible, ^(k) but a poll was denied to a candidate, he being in prison in execution for debt, and the sitting members were declared duly elected. Questions have arisen upon the meaning of the words *any new office* in the statute of Ann. Where the jurisdiction of an ancient court has been enlarged, and a new arrangement made with respect to its officers, the ancient officers, though with new designations, are not within the disqualifying words of the statute, ^(l) as clerk of the pipe in Scotland.

But baggage master of the forces in Scotland was holden a new office and within the statute. ^(m)

In conformity with the principle of free choice which

(a) Reading, Corb. Dan. 114.

(b) 22 G. 3, c. 45, s. 1.

(c) 11 12 W. 3, c. 2, s. 150, 1, 2.

(d) Allen's case, 16 Jour. 98. Orme

265.—Ougley's Case, 21 Jour. 138.

(e) Lanerk, 2 Doug. 367.

(f) Standing order.

(g) Resolution. April 16, 1727.

(h) Bristol, Simeon, 51.

(i) 2 Hatsel, 22.

(k) 2 Ba. Abnd. 123. 1 Hatsel, 155.

Com. dig. Parl. D. (g) 2 Hatsel 37.

(l) N. Berwick, 2 Doug. 423.

(m) Fife, 1 Lud. 455.

Who are ineligible to the House of Commons.

every statute relating to the representation endeavours to enforce, *the acceptance of any office of profit from the crown* by a member, vacates his seat, ^(a) that the people may have an opportunity of reviewing their choice, in the re-election or rejection of a representative, who has rendered himself liable to an influence from which he was before exempt. The amount of the profit is immaterial; and there are two places of *no profit* which for the convenience of members desirous of retiring from parliament, are considered within this statute, and enable them to vacate their seats, viz. the steward of the Chiltern Hundreds, and the steward of East Hendres in Berks,

From the operations of this last statute, officers of the army or navy receiving new commissions are excepted, which exception extends not only to promotions in point of rank, but to all military commissions not within the disabling words of any other statute; thus the master general of the ordnance, constable of the tower, ^(b) governors of forts in Great Britain, ^(c) of Jersey or Guernsey, ^(d) do not by their appointments vacate their seats.

But persons not *actually* in the service at the time they receive a commission are not protected by the exception. ^(e)

To bring a member within this statute, the office must be *actually accepted*; a reversionary grantee becoming entitled to such an office may retain his seat till he actually accepts it. ^(f)

The acceptance of a foreign employment, as that of ambassador, does not vacate the seat. ^(g) But a patent place for life out of Great Britain has been holden to do so. ^(h)

A member becoming a bankrupt is incapable of sitting and voting for a year, unless within that time the commission be superseded or the creditors paid the full amount of their debts, and the entering into a bond with two sureties for the payment of disputed debts, if recovered, is to be considered as a payment for the purposes of this statute. But if within a year the commission is not superseded; nor the debts paid, upon a certificate thereof by the commis-

^(a) 6 Ann. c.7, s. 26.

^(b) 2 Hats. p. 60. n. Orme, 272.

^(c) Wade's Case, resolution 9 June 1733. See Carpenter's Case, Orme 271.

^(d) 2 Hats. 47.

^(e) 2 Hats. pre. 54, Orme 271.

^(f) Orme 270.

^(g) 2 Hats. pr. 22-25—n.

^(h) 23 Nov. 1696.—Orme 261.

sioners to the Speaker as prescribed in the statute, the seat of such member is vacated.^(a) Who are eligible to the House of Commons.

Whether a resolution of the House can render an individual ineligible, who is not already so by the law, is questionable. It was attempted in the case of Mr. Wilkes, who was expelled the House for publishing a libel, and re-elected, and again declared incapable of sitting for that parliament; again elected, and his election declared void, and the opposing candidate seated; but these proceedings were expunged from the journals as subversive of the right of the whole body of electors of this kingdom.^(b)

Of the Qualification of Members of the House of Commons.

Besides being free from the above disabilities, members of the House of Commons, with certain exceptions, require a qualification by estate. The qualification of a knight of the shire is "an estate, freehold or copyhold, "for his own life, or for some greater estate, either in law, "or equity," of the clear annual value of 600*l.* in Great Britain or Ireland;^(c) of a burgess or baron of the Cinque Ports, of the clear annual value of 300*l.* Such estate not being a mortgage, unless the mortgagee has been in possession seven years.^(d) Qualification.

But the following persons are made exceptions, and require no qualification by estate.—The eldest son of a peer or lord of parliament,^(e) or of a Scotch peer,^(f) or of a peeress or bishop,^(g) or of any person qualified for a knight of the shire,^(h) as well as the members for the English universities,⁽ⁱ⁾ and for the college of the Holy Trinity, Dublin.^(k)

After the Election, and before he takes his seat, each member requiring a qualification by estate, must deliver to the clerk of the House, at the table of the House, a paper signed by himself, containing a description of the situation of the estate of qualification, and there take and subscribe an oath of its value,^(l) and also the oaths of allegiance^(m) and supremacy,⁽ⁿ⁾ the declaration against popery,^(o) and

(a) 52 G. 3, c. 144.

(b) 32 Jour. 228. Middx. 1769. 38 Jour. 977.

(c) 9 Ann. c. 5. 41 G. 3, c. 101, s. 23. 59 G. 3, c. 37. *vid.* Scotland. 16 G. 2, c. 11, s. 19.

(d) 9 Ann. c. 5.

(e) Rochester Corb. Dan. 238.

(f) 2 Hats. 59, n. 7 Bac. Abridg. 430.

(g) 9 Ann. c. 5.

(h) *Ibid.* 41 G. 3, c. 101, s. 23.

(i) 33 G. 2, c. 20.

(j) 7 Jac. 1, c. 6. 30 Car. 2, st. 2, c. 1.

(k) 5 Eliz. c. 1, s. 16. 30 Car. 2, st. 2,

c. 1.

(l) 30 Car. 2, st. 2, c. 1.

* Police magistrates are ineligible by 3 G. 4, c. 55, s. 14.

Qualification. the abjuration oath,^(*) under severe penalties. ^(b) The oaths of allegiance and supremacy must also be taken before the lord steward or his deputy. ^(c)

In order to prevent evasion of the stat. 9 Ann, c. 5, the House have several standing orders, for affording further means of examining the qualification of candidates, upon a petition. "That notwithstanding the oath taken by any candidate at or after the Election, his qualification may be afterwards examined. That the person whose qualification is expressly objected to in any petition relating to his Election, shall, within fifteen days after the petition received, give to the clerk of the House of Commons a paper signed by himself, containing a rental, or particular of the lands, tenements, and hereditaments, whereby he makes out his qualification, of which any person concerned may have a copy. That of such lands, tenements, and hereditaments, whereof the party hath not been in possession for three years before the Election, he shall also insert in the same paper from what person and by what conveyance or act in law he claims and derives the same; and also the consideration, if any paid: and the names and places of abode of the witnesses to such conveyance and payment. That if any sitting member shall think fit to question the qualification of a petitioner, he shall within fifteen days after the petition be received, leave notice ^(d) thereof in writing with the clerk of the House of Commons; and the petitioner shall in such case, within fifteen days after such notice, leave with the said clerk of the House the like account in writing of his qualification, as if required from a sitting member." ^(e) And where the petition against an undue Election is presented by the electors, and not the unsuccessful candidate, the sitting member has the same power of examining the qualification of such candidate, as he would have had by the last rule if the candidate had petitioned. ^(f)

Persons sometimes become possessed of estates for the purpose of an Election; where this is the case, it must of course appear that the party conveying had a sufficient power of disposition; ^(g) but the qualification may be ac-

^(*) 13 W. 3, c. 36, s. 10. 6 G. 3, c. 53.*

^(b) 1 G. 1, st. 2, c. 13, s. 17.*

^(c) 7 Jac. c. 6.* 30 Car. 2, st. 2, c. 1.

5 Eliz. c. 1, s. 16.*

* These Statutes are not in the Appendix.

^(d) 1717. 18 Jour. 629.

^(e) 1734. 22 Jour. 355.

^(f) Coventry, 1 Peck, 93.

quired during the course of the poll, ^(c) though perhaps not Qualification. after a refusal to take the qualification oath. ^(b)

CHAP. VII.

Of the issuing of the Writ for a General Election.

THE writs which are issued for the election of members of parliament, issue under different authorities upon a general Election, and upon the vacancy of particular seats during the continuance of a parliament. Issuing the writ.

To summon, prorogue, and dissolve the parliament, is the prerogative of the King; and when a parliament is to be summoned, a warrant signed by the King, is issued to the chancellor, by the advice of the privy council, commanding him to issue under the great seal the usual number of writs for that purpose.

The writs are made out by the clerk of the crown in Chancery, and after the election of the members, returned into the crown office there.

By the 7 8 W. 3, c. 25, s. 1, upon every new parliament "there shall be 40 days between the teste and return of the writs of summons."

In practice, however, 50 days intervene, in consequence of the 22d article in the treaty of union with Scotland, by which Queen Ann was limited in the power of calling the first parliament after the union, to a period not less than 50 days from the date of the proclamation for assembling it.

Of the issuing of the Writ to supply a Vacancy during the Continuance of Parliament.

After the parliament is assembled and during its continuance, the House of Commons alone have the right of issuing writs to fill up whatever vacancy may occur. Upon a vacancy.

The first resolution of the House of Commons in the assertion of this privilege, had relation only to the sitting of

^(c) 2 Bristol, Simeon, 51.

^(b) Leominster, Corb. Dan. 1.

Upon a vacancy.

the parliament. "That during the sitting of this Court "there do not at any time any writ go out for the choosing "or returning of any knight, citizen, Burgess, or baron, "without the warrant of this House first directed for the "same to the clerk of the crown, *according to the ancient "jurisdiction and authority of this House in that behalf "accustomed and used."* ^(a)

The warrant is an order from the speaker to the clerk of the crown, directing a new writ to be made and issued, on notification of a vacancy by motion of a member.

Afterwards, in the reign of Charles II., when Lord Shaftesbury, the chancellor, issued writs to supply several vacancies which had occurred during a long prorogation, the House superseded the writs, declaring the right of issuing writs to supply vacancies during the *continuance* of parliament to be in themselves only. ^(b)

In the spirit of this resolution the 24th G. 3, c. 26, was passed, which provides, with certain restrictions specified in s. 4, for the issuing of writs during a recess to fill any vacancy caused either by *death or promotion to the peerage.* ^(c)

The same statute provides also, s. 5, a means for executing this function upon the contingency of the speaker's death or absence, or his seat becoming vacant.

Delivery of the Writ.

Delivery of the writ.

The statute 7 8 W. 3, c. 25, s. 1, directed that the writs should be delivered to the proper officer to whom the execution belonged, and to no other person; but not *how* the writs were to be delivered; and various frauds were practised by interested persons who obtained them to deliver them to the officer, and delayed doing so till it suited their convenience that the Election should commence. Any means however might have been selected of sending them to the returning officer, except transmission by a candidate. But all difficulties are now removed by the statute 53 G. 3, c. 89, which requires the writs to be conveyed by the post, and prescribes certain regulations for their delivery at the post-office, and transmission to the proper officers, to whom they are directed.

The writs to the Sheriffs of London and Middlesex are to be delivered at their offices by the messenger of the great

^(a) 18th March, 1580-1. Dewes, 307-8.

^(b) 2 Hats. 233.

^(c) 24 G. 3, c. 26.

seal.^(c) So to any other sheriff or officer to whom writs are to be delivered, whose office is in London, Westminster, or Southwark, or within five miles thereof.^(b) Delivery of the writ.

Of the Duty of the Returning Officers for Counties after the Receipt of the Writ, and before the Election.

As soon as the sheriff receives the writ he should indorse thereon the day of receiving it,^(c) and give a receipt in writing to the person appointed to deliver it, specifying the day and hour of the delivery; and immediately make out the precepts; and within three days after cause them to be delivered to the proper returning officers of the boroughs and towns within his jurisdiction, without fee.^(c) The officer of the Cinque Ports is allowed six days for delivering the precept after the receipt of the writ.^(d) Duty of sheriff.

The statutes which prescribe the delivery of the precept to the proper officer do not require it to be directed; nevertheless it ought to be directed, and the practice is to do so.^(c) But if directed by mistake to other persons as well as the returning officer, its validity will not be affected, and this misdirection may be obliterated after the return to the sheriff.^(c) But when in the crown office no parol evidence can be received to impeach it.

It seems that a second precept may be sent to the returning officer of the borough, if there is any mistake in the first.^(c) If the sheriff deliver the precept to other than the proper officer, he is liable to be punished by the House.^(c)

By 7 8 W. 3, c. 25, s. 3, and 18 G. 2, c. 18, s. 10, the Election for knights of the shire was to be holden at the county court, and provision was made for its adjournment within a limited period for that purpose. But now a special court is to be holden for such Election, and proclamation of holding it is to be made within two days after the receipt of the writ at the place where the Election is to be holden,^(A) that is, at the most usual place of Election for the last forty years.⁽ⁱ⁾ It must not be holden on Sunday, nor more than 16 nor less than 10 days from the day of proclamation.⁽ⁱ⁾

(c) 53 G. 3, c. 89, s. 1.

(b) *Ibid.* s. 3.

(c) 7 8 W. 3, c. 25, s. 1. 53 G. 3, c. 89. 23 Hen. 6, c. 14.

(d) 10 11 W. 3, c. 7, s. 2.

(c) *Dixon v. Fisher*. 4 Burr. 2267. *side Bletchingley*, 2 Hey. 47, 126.

(c) *Minehand* 2 Hey. 65. 6.

(c) *Ibid.* 69.

(b) 25 G. 3, c. 84, s. 4.

(c) 7 8 W. 3, c. 25, s. 3. See the case of the county of Pembroke, where an Election under special circumstances, not at the usual place, was holden good. 1 Hey. 347.

Duty of sheriff.

The proclamation must be made between 8 o'clock in the morning and 4 in the evening, from the 25th of October to the 25th of March, and between 8 o'clock and 6 the rest of the year. ^(a)

If a contest be expected, the returning officer should be prepared to erect convenient booths for taking the poll, as he is bound to provide them, if required by any of the candidates three days before the Election; the expense of which is to be paid by the candidates. ^(b) The number of booths should correspond with the number of lathes, &c. in the county, not however in any case exceeding fifteen; and in each booth the name of the lathe or division to which it is appropriated should be affixed; a poll clerk is to be appointed for each booth, and lists of the towns, &c. within each division to which a particular booth is appropriated, made out, and copies taken to be delivered to the candidates upon request. ^(b)

He should also be provided with fit places for administering to the electors certain oaths which they may be required to take during the Election, as he is bound to provide such places on request made three days before the Election by a candidate, who must defray the expense. ^(c)

There are certain expenses necessarily attending Elections, whether for counties, cities which are counties of themselves, or boroughs. Of these expenses the candidate is liable to such only as the statute law casts upon him, or he takes upon himself by his express or implied consent. ^(d) And if he is elected without his presence, or any interference by himself or agents, though he afterwards take his seat, his consent to those expenses will not be therefore implied. ^(e)

Of the Duties of Returning Officers for Cities, and Towns which are Counties of themselves, after the Receipt of the Writ and before the Election.

In a city or town which is a county of itself, where the Election is holden by virtue of a writ directed immediately to the returning officer, he should, upon the receipt of the

^(a) 33 G. 3, c. 64.

^(b) 18 G. 2, c. 18, s. 7.

^(c) 24 G. 3, c. 73, s. 6.

^(d) *Morris v. Burdett*. 1 Camp. 218.

^(e) *Ibid.* 2 Maule Selw. 212.

writ, after indorsing the day on which he receives it, and giving a memorandum of the receipt to the post master who delivers it,^(c) cause public notice to be given of the time and place of Election, which must be holden within eight days, and after three days from the receipt of the writ.^(b)

Duty of returning officers for cities, &c.

The poll clerks should be sworn,^(c) and a cheque book allowed for every poll book for each candidate, to be kept by their several inspectors at the place where the poll is taken. From this it is implied, that inspectors, as well as cheque books, should be allowed, though there is no express direction to that effect.

Regulations for the preparation of booths, or other places, where the electors oaths may be administered, are provided by several statutes, as at elections for cities, &c. which are not counties. See title—"Duties of the returning officer during the election," and 34 G. 3, c. 73. 42 G. 3, c. 62, and 43 G. 3, c. 74.

Of the Duties of the Returning Officers for Boroughs and Towns, after the Delivery of the Precept, and before the Election.

The returning officer, as soon as the precept is delivered to him, upon the back of the same precept shall indorse the day of the receipt thereof, in the presence of the party from whom he received it, and forthwith cause public notice to be given of the time and place of Election, and proceed to Election thereupon, within the space of eight days, and give four days notice, at least, of the day appointed for the Election.^(d)

Duty of returning officers for boroughs, &c.

The notice must be given in the most usual place or places, (between eight and four, from the 25th of March to the 25th of October, and between eight and six the rest of the year.)^(e)

It seems the notice may be given on a Sunday. A petition was presented on the ground of notice having been improperly given on Sunday, and upon another objection untrue, in point of fact. The petition was not persevered

(c) 78 W. 3, c. 25, s. 1. 53 G. 3, c. 89.

(d) 78 W. 3, c. 25, s. 1.

(e) 19 G. 2, c. 28, s. 7.

(f) 33 G. 3, c. 64.

(g) 25 G. 3, c. 84, s. 7.

Duty of
returning
officers.

in, the petitioners being advised, as the reporter believed, that the objection to such a notice was unfounded.^(c) Many ministerial acts of this kind may be done on Sunday. Notices are given in church; arrests were lawful on Sunday before 29 Charles 2nd c. 7, and an appointment of overseers on that day has been holden legal.^(b) Of the four days required for notice, one must be reckoned exclusive,^(c) and the consent of the candidates will not cure an insufficient notice in that respect, but such defective notice will avoid the Election.^(d) Nor can the returning officer extend the time for holding the Election beyond the eight days mentioned in the statute.^(e)

In consequence of great corruption being disclosed in New Shoreham, Cricklade, and Aylesbury, three statutes were passed to extend the right of voting for those places by which the notices are respectively regulated.^(f)

The returning officer must also provide places, and appoint commissioners for the administering the electors oaths, if required by any of the candidates, three days before the Election.^(g) And provisions for the erection of poll booths, &c. similar to those which relate to county Elections, were provided in respect to Westminster, by 51 G. 3, c. 126, and 53 G. 3, c. 152.* If the precept has been delivered to an improper person, the legal returning officer may, nevertheless, proceed to the Election, and his return will be considered as the legal one.^(h)

Of the Duties of the Returning Officer during the Election.

Duties of
returning
officer during
the Election.

On the day appointed for the Election, and at a seasonable hour,⁽ⁱ⁾ which for counties is between eight and eleven, the returning officer opens the proceedings, after proclamation for silence is made, by reading the writ of summons, if the Election be for a county, or city, or town which is a county of itself, or the precept, if it be for a borough, &c. where the Election is made by virtue of a precept. He

(c) Bridport, 3 Lud. 30. The petition not being tried in the first session was not renewed.

(d) Clerkenwell, 1 Nolan, 55, n. *sed quare*.

(e) Chichester, 17 Journ. 137. 2 Hey. 158.

(f) Seaford, 3 Lud. 3. 2 Hey. 159.

(g) *Sed vid.* 2 Hey. 160.

(h) 11 G. 3, c. 55, s. 5. 22 G. 3, c. 31, s. 5. 44 G. 3, c. 60, s. 4.

(i) 34 G. 3, c. 73, s. 6.

* These acts have expired.

(j) Bewdley, Minehead, Wells. 2 Heyw. 130.

(k) 23 Hen. 6, c. 14.

should then take and subscribe the bribery oath, which may be administered by a justice of the peace of the county, if at a county election, of the borough, if at a borough election, or in the absence of a justice of the peace by any three electors,^(c) and read, or cause to be read, the Bribery Act.^(b) 2 G. 2, c. 24.

Duty of
returning
officers.

If the Election is for a place where the franchise is in the whole, or in part in freemen, the Durham Act, as it is called, "An Act to prevent occasional freemen from voting" must be read next.^(c) And at New Shoreham, Cricklade, and Aylesbury, the statutes particularly relating to those places.^(d)

He is then to call upon the electors to name the candidates. After the candidates are nominated, each may be called upon by the other, or by two electors, to take the qualification oath,^(e) unless it is rendered unnecessary by any of the exceptions in the statute of Ann, c. 5.^(f)

Nomination.

It has not been decided whether a returning officer is warranted in refusing to return a candidate who persists in objecting to take this oath at the poll. The Committee of Elections in the case of Malden,^(g) construed the requisition of the statute in the alternative, viz. that the oath might be taken at the choice of the candidate, either at the Election, or at any time before the meeting of Parliament. The words of the statute are, "And if any of the said candidates or persons proposed to be elected as aforesaid, shall wilfully refuse upon reasonable request to be made at the time of the Election, or at any time before the day upon which such Parliament, &c. is to meet to take the oath hereby required, then the Election, &c. shall be void." These words may possibly be open to the above construction, but the intention seems rather to have been, that the request "may be made either at the Election, or at any time before the meeting, &c." and if made at a reasonable time, ought at that time to be complied with; and this construction may be inferred from the second resolution in the Leominster case,^(h) reported by Corbett and Daniel.

Candidate's
oath.

(c) 2 G. 2, c. 24, s. 3.

(b) *Ibid.* s. 9.

(c) 3 G. 3, c. 15.

(d) 11 G. 3, c. 55. 23 G. 3, c. 31.
44 G. 3, c. 60.

(e) 9 Ann. c. 5, s. 5.

(f) See *ante*, &c. "Qualification of a member."

(g) 18 Jour. 129. Orme 28. 1 Hey 550.

(h) See *ante*—"Votes thrown away and lost."

Duty of
returning
officers.

If no more candidates are named than the legal number of representatives, the returning officer has no authority to open a poll to allow time for the appearance of another candidate,^(c) but should return those nominated as duly elected.

Poll.

Where more are proposed than the number to be returned, the Election is decided either by the view, the poll, or a scrutiny.^(b) If a poll be *duly* demanded, that is, either by a candidate or elector, and refused, the Election will be avoided, and the returning officer censured.^(c)

The consent of candidates will not cure any infringement of the elector's rights. The right of Election was "in all men inhabitants, householders, residents, within the "borough," but by the consent of the candidates under a mistaken notion of the right, it was agreed, that the Election should be made by the *freeholders*, and a poll was demanded by one of the candidates, a freeholder, on behalf of the freeholders *only*, the freeholders alone voted, but the rest of the inhabitants, &c. were present, and assented to the return of the candidates chosen by the majority of the freeholders. The Election was holden good, the demand on behalf of the freeholders alone being a void demand, but if a poll of *all* the inhabitants had been refused, a new writ must have gone.^(d)

Granting a
poll.

It appears, from the earlier cases, that the sheriff was not bound to grant a poll, unless a real doubt arose as to the majority of the persons then *present*, but it being now established, that the voters need not be present at the reading of the writ, it is necessarily settled also, that he must grant a poll when duly demanded, because nothing can be inferred as to the majority of votes from the few usually present,^(e) and as the sheriff may now declare the majority, upon view, after the statuteable hours, so a poll may be demanded at any time before that declaration, or within a reasonable time after.^(f)

When once the poll has been granted, the sheriff must proceed with it, though the party who demanded it should

(c) Nottingham, 1 Peck, 81, 5.

(b) Originally poll and scrutiny were synonymous terms.

(c) Newcastle under Line, Cam-

bridgeshire, Glanv. 76, 81. 4 Inst. 48.

(d) Cirencester, Glanv. 105.

(e) 1 Hey. 360-7.

(f) *Ibid.* 369.

wave it, or disturb the proceedings, otherwise the Election will be void.^(c)

Duty of
returning
officers.

But if, after such demand, no votes are tendered within a reasonable time, he may return according to the view.

In Westminster, 1661, the high bailiff waited above half an hour after the appointment of poll clerks to take the poll which had been demanded, but no votes being tendered, he returned the candidates with the majority on the view, and it was resolved that they were duly elected.^(b)

A fresh candidate may be proposed at any time during the poll, and his election will be good.^(c)

The poll must commence on the day it is demanded, or the day after, unless that be a Sunday, and be continued daily, with the exception of the Sundays. It may not be kept open more days than fifteen, and if kept open on the fifteenth day, it must close at three o'clock.^(d) It should be kept open seven hours, between eight o'clock and four, in each day subsequent to the first.^(d)

At the Election for the county of Southampton, the sheriff, at the request of a candidate, is bound to adjourn the poll after its close at Winchester, to Newport, in the Isle of Wight.^(c)

Formerly a voter was not required to mention his name when he voted, but now it must be stated to the poll clerk, that it may be properly entered. And a mere declaration in the booth for whom the voter gives his suffrage is not sufficient, it must be regularly tendered to the poll clerk,^(f) and in the proper booth.^(f)

Tendering
the vote.

It is very material that the vote should be regularly tendered, for if it be subsequently disputed upon a petition, the Committee will require proof of a proper tender, before they will admit evidence to establish the right of voting.^(b)

A county voter should state correctly to the poll clerk the kind of estate for which he votes, its situation, and where assessed, the name of the tenant if there be one, and his own residence. And one who polls in a different

(c) 1 Whitelock, 337. Glan. 133, 141.
4 Inst. 48.

(d) 8 Jour. 280. 1 Hey. 370.

(e) Bristol, 1 Doug. 245, Montgomery, 15 Jour. 94. 1 Hey. 376. See arg. 1 Peck, 83.

(f) 25 G. 3, c. 84, s. 1. 7. 8 Wm. 3, c. 26, s. 5.

(c) 25 G. 3, c. 84, s. 16.

(f) 1 Hey. 407. Gloster, 32.

(f) *Ibid.* 401. But if the vote is received in the wrong booth by mistake of the poll clerk, it will not be set aside.

(d) Gloster, 30. Horsham. 2 Fras. 35. Orme, 423.

Closing the
poll.

right from that which really gives him the franchise, will upon petition be struck off the poll.^(a) A person entitled to a double vote must poll for both candidates at the same time^(b)

If the poll continue open fifteen days, it must close, we have seen, at three o'clock on the last day; yet voters who have tendered their suffrages, which being objected to, have been entered in the poll books before that hour, as votes reserved for discussion, may be examined after; and it has been decided, that the requisite oaths being administered to them in the presence of the under sheriff and assessor, may be added to the poll.^(c)

But Mr. Serjeant Heywood says, it may not be safe to consider the above decision "as having settled the point, "the best advice that can be given to the sheriff, is not "to allow a single question with respect to the admission "of voters, to be undecided at the moment when by law "the poll is to be closed."^(d)

Where the returning officer having reserved certain votes for discussion, closed the poll after it had been kept open the full time allowed by law, and made his return without deciding upon the votes reserved, the Election was not thereby avoided, there being no proof of partial and illegal conduct in the officer.^(e)

Poll clerks.

In elections for counties, poll clerks are to be appointed and sworn at the expense of the candidates, and inspectors allowed with a cheque book for each poll book,^(f) and the same for the city of Westminster.^(g)

The poll clerks in county Elections are to set down the name of each freeholder, the situation of his freehold, and for whom he polls, ^(h) the place of his abode,⁽ⁱ⁾ and to poll no one who is not sworn, if required to be sworn, by a candidate, and to enter *jurat* against the names of such as are sworn.^(j)

Nor can he receive votes for any freehold out of the district in his list, unless it lies in some district not mentioned in any of the lists.^(k)

(a) Simeon, 136.

(b) 1 Peck, 109.

(c) Middx. 2 Peck, 338, 343. 1 Hey. 615.

(d) 1 Hey. 615.

(e) Carmarthen, 1 Peck, 287.

(f) 7 8, W. 3, c. 25, s. 3. 25 G. 3,

c. 84, s. 7. 18 G. 2, c. 18, s. 9.

(g) 51 G. 3, c. 126. 53 G. 3, c. 152.

These statutes have expired.

(h) 7 8 W. 3, c. 25, s. 1.

(i) 10 Ann, c. 23, s. 5.

(j) 18 G. 2, c. 18, s. 8.

In Elections for cities and towns, being counties* of themselves, cheque books are allowed, but no mention is made of inspectors. (a)

In Elections for boroughs and towns, there is no provision by statute for either cheque books, or inspectors, but the poll clerks are to be sworn (b) to the performance of their duty, which is to set down the name of each voter, his addition, profession, &c. the place of his abode, for whom he shall poll, and to poll only such as have taken the oath or affirmation required by any statute.

As there are certain oaths and declarations which electors may be required to take previous to their polling, and much inconvenience was found to arise from the time consumed in administering them, the returning officer is authorised by several statutes, 34 Geo. 3, c. 73. 42 Geo. 3, c. 62. 43 Geo. 3, c. 74, after a poll shall be demanded, to appoint at the request in writing of a candidate, commissioners who are to administer all, except the bribery oath, at a separate place or places whilst the Election is proceeding, giving to each elector who shall have taken the oath, a certificate thereof to be produced to the officer or clerk taking the poll. Oaths.

As this request, if made three days previous to the Election, obliges the returning officer to provide numerous booths for this purpose, particularly described in the statute, 34 Geo. 3, c. 73, s. 6, where a contest is expected he should be provided for such a demand.

The bribery oath must be taken at the poll before the returning officer, (c) but it may be taken at any time during the Election: a refusal at one period does not preclude a voter from taking it subsequently. (d)

The other oaths are of allegiance or supremacy. (e) Of abjuration. (f) The freeholders qualification oath for counties, (g) for cities, and for towns being counties of themselves. (h) And where, from the nature of the right of Election, no oath of qualification by estate can be taken,

(a) 19 G. 2, c. 28, s. 6.

(b) 25 G. 3, c. 84, s. 7.

(c) 43 G. 3, c. 74.

(d) Gloster 30.

(e) 7 & 8 W. 3, c. 27, s. 19. 1 G. 1, s. 2, c. 13.*

(f) 6 Ann, c. 23. 6 G. 3, c. 53.

(g) 18 G. 2, c. 18, s. 1.

(h) 19 G. 2, c. 28.

* Statutes not in the Appendix.

an oath of residence or abode is required.^(c) The form of this last oath may be qualified, by adding another place of abode to the one which entitles the elector to vote. As where Harwich being the borough for which the Election was held, the voter tendered his oath to this effect, "place " of my abode at Durham, and also in West-street in the borough of Harwich."^(d)

In London,^(e) Norwich^(d) and Coventry, ^(e) particular oaths are required from the freemen.

Although the regulations prescribed by the statutes for the manner of conducting the Election, ought to be complied with, yet a deviation from such as are merely directory, will not avoid the Election, though it may subject the returning officer to censure from the House. Thus where the mayor refused to swear the poll clerks according to the 25 G. 3, c. 84, s. 7, and on the third day adjourned the poll after it had been opened one hour, and held a court for the admission of freemen, who polled the next day; though these acts were signified by the Committee to be illegal, yet they did not avoid the Election, the statute being considered directory.^(f)

During the course of the Election, the returning officer has other duties to perform; he is to hear arguments upon disputed votes, and decide upon their admission or rejection; and the punishment of the House has generally followed a partial exercise of this duty. Such as the wilful and corrupt admission or rejection of votes in favour of either candidate,^(g) denying the opposite party the right of examination,^(g) refusing a reference to the assessment for the land tax to try the validity of a disputed vote; ^(g) opening a poll without any demand, to give time for another candidate to appear; ^(h) dispersing garbled copies of a statute relating to the Election; ⁽ⁱ⁾ and his conduct not only during the Election, but immediately preceding, if relating to it, will be enquired into by the House.^(h)

(c) 25 G. 3, c. 84, s. 5.

(d) 1 Peck, 390.

(e) 11 G. 1, c. 18.

(f) 3 G. 2, c. 8.

(g) 21 G. 3, c. 54, s. 7.

(h) Colchester, 1 Peck, 506.

(i) Middlesex. 2 Peck, 28.

(j) 1 Peck, 77.

(k) Sudbury, 2 Doug. 148, 172. See *Ibid.* 177.

(l) Great Grimsby, 1 Peck, 74.

There are certain general rules which should govern his decisions upon the reception of votes. He should receive or reject them according to the last determination of the House upon the right of Election; ^(c) and where there is no last determination according to the usage of the place; ^(d) and where there is no custom or prescription, according to common right, ^(e) which is to the extension of the franchise; nor can the agreement of candidates alter the law, or justify the officer in a contrary decision. ^(f)

Where he has doubts as to the rights of single voters, or of a particular class; or an objection is made, which if argued, would greatly interfere with the proceedings, he may reserve the consideration until a future time during the poll, or till a reasonable time after its close, ^(g) marking them upon the poll as objected to. ^(h)

It was once resolved, that if the voters were equal, the Electors should "continue together, or meet by adjournment till they can agree to an Election by plurality of voices;" for the returning officer has no casting voice, unless by charter or custom. ⁽ⁱ⁾ But an equality of voices makes a void Election, and upon such an occasion there may be a double return. ^(j) A voter however who has polled at the beginning of the Election, may if the voters prove equal, for the purpose of making the Election good, withdraw his vote, and give it to the other candidate, that one may have a majority. ^(k)

When all the electors present have polled, and reasonable time has been allowed for others to come in, the returning officer may close the poll, making three proclamations to that effect at intervals. What is a reasonable time must depend upon the circumstances of the Election, upon the number of electors who have already polled, compared with the whole number possessing the right, upon the length of time the poll has lasted, upon the distance of any number of electors who have not voted, &c. But it is generally closed by consent. ^(l)

Notice of closing the poll.

^(c) 78 W. 3, c. 7. 2 G. 2, c. 24, s. 4. 2 Fras. 144. See 28 G. 3, c. 52, s. 31.

^(d) Glan. 107-8, 142. *Sed. vid.* Brady, 127, 164.

^(e) N. B. See however Mr. Serjeant Heywood's advice on this subject, *ante* p. 72.

^(f) Bedford's, 1 Lud. 350. Carmarthen, 1 Peck, 287. Middlesex, 2 Peck, 338. See *ante*, p. 72.

^(g) Winchelsea, Glanv. 21. Mitchell 1 Lud. 77.

^(h) 1 Hey. 604. 8 Jour. 13. 10 Jour. 132.

⁽ⁱ⁾ Glann. 22.

^(j) See 1 Lud. 351. 1 Hey, 595. Simeon, 163.

If the Election continues till the last day, it must be closed at or before three o'clock; and when once closed, at whatever period of the Election, it cannot be reopened. ^(c)

Any person is entitled to a copy of the poll upon payment of a reasonable charge for writing it. ^(d)

On the same day, or the day after, the returning officer must fairly and publicly declare the names of those who have been chosen, and forthwith make a return, unless a scrutiny is demanded by a candidate, or any two electors, with which he "*deems it necessary*" to comply. ^(e) These words in the act give him a discretionary power, but which he must exercise discreetly, that is to say, according to the justice of the demand. In the Sudbury case, which was before the statute, the Committee, resolving that the mayor had a right to grant a scrutiny, resolved also that "he ought not to have refused it." ^(f)

If a scrutiny be granted, the return must nevertheless be made as to a county Election, on or before the day on which the writ is returnable, and for a borough Election the precept must be returned to the sheriff, six days before the return of the writ; ^(g) and when the Election takes place, to supply a vacancy during the existence of Parliament, within thirty days after the close of the poll. ^(h)

Evidence may be received upon oath during a scrutiny, touching the rights of disputed voters, from all persons consenting to take the oath. ⁽ⁱ⁾ And the votes must be decided upon alternately. ^(j)

Of the Return to the Writ.

Return.

The return to the writ is by indentures between the sheriff and electors. The return to the *precept* by indentures between the returning officer and electors on the one part, and the sheriff on the other; it must be remitted with the precept to the sheriff, who remits it, as well as his own return with the writ appended, to the clerk of the crown in Chancery. ^(k)

^(c) Arundel, Glanv. 71.

^(d) 7 8 W. 3, c. 25, s. 6.

^(e) 25 G. 3, c. 84, s. 1.

^(f) Phillips, 136. In London a scrutiny cannot be refused. 11 G. 1, c. 18 s. 4.

^(g) 25 G. 3, c. 84, s. 1.

^(h) *Ibid.* s. 6.

⁽ⁱ⁾ *Ibid.* s. 2.

^(j) 7 Hen. 4, c. 15. 23 Hen. 6, c. 14.

As the precept should be directed and delivered to the legal returning officer of the borough, so he is the proper person to make the return to the sheriff.

If a return to the precept is made by any person except the returning officer of the borough, to whom it is directed, the sheriff is bound not to execute the indentures. Where an under sheriff executed two returns, one made by a person not named in the precept, the other by the proper officer, and returned them both, he was committed to the custody of the sergeant at arms.^(c)

The course of proceeding in the borough of Milborne Port is, however, an exception to this rule; for there the precept is directed to the bailiff, and the return made by the sub-bailiffs, or one of them. And, it seems, that where it is doubtful to what officer of the borough the duty of making the return belongs, a return made by others, together with the proper officer, will be valid.^(d)

A return made by the proper officer, though defective in form, will be sustained.^(e) And a return by an officer *de facto*, though he may not have complied with all the legal forms necessary to sustain his election to the office upon a *quo warranto*, is, nevertheless, a good return.^(f)

Where the original indenture has been stolen, the return of the counterpart has been holden sufficient.^(g)

That sheriffs were frequently both negligent and corrupt, in making their returns, appears from the various penal statutes directed to the subject.^(h) By the last of which, the returning officer wilfully misconducting himself in that respect, is liable to be sued in double damages by the party grieved.⁽ⁱ⁾

Though a double return, if wilful, false, and malicious, is prohibited,^(k) yet there are many cases where double returns are justifiable, and necessary. As where the right of Election is uncertain, and the officer will not take upon himself to decide it, or an objection is raised against a class

Double
return.

(c) Liskeard, 2 Peck, 327.

(d) Taunton, 1 Peck, 406.

(e) Dover, 1 April, 1679. Orme, 103.

(f) Doug. Rep. 568. See the cases in 2 Hey. 62-3.

(g) Liskeard, Nov. 1740. Orme, 104.

(h) 5 Ric. 2. st. 2, c. 24. 11 Hen. 4, c. 1. 6 Hen. 6, c. 4. 8 Hen. 6, c. 7. 23 Hen. 6, c. 14, 10. 11 W. 3, c. 7. a. 2. 25 G. 3, c. 84. ss. 14, 15.

(i) 25 G. 3, c. 84. ss. 14, 15. See also Fox v. Corbett, 1 Hey. 656, which was an action against the high bailiff of Westminster, for wilfully and unlawfully granting a scrutiny.

(k) 7 8 W. 3, c. 7, s. 3.

Double
return.

of voters who stand in particular circumstances, or the eligibility of the candidate, with the majority of votes, is objected to ;^(a) or where it is disputed to which of two officers the duty of making the return appertains ;^(b) or which of two persons is legally placed in the office ;^(c) or there is an apparent equality of voices.^(d) So where a scrutiny was begun, but not finished, a double return was made, and the whole merits of the Election gone into.^(e)

Special
return.

Circumstances may occur to make a special return necessary, as a riotous obstruction to the execution of the writ or precept.^(f) But the necessity for such special return must be very apparent to justify the officer.^(g)

It may be a material question before the Committee, whether the return be double or special, for on hearing a petition against a double return, the candidate first named, or whose return is immediately appended to the writ, begins ; in the other case the first petitioner. Thus, where A and B were stated to be candidates, having an equal number of votes, but the return did not say that either was duly elected, this was holden a special return, and that B the first petitioner should begin.^(h)

Amending a
return.

If it becomes necessary to alter or amend a return, the clerk of the crown is ordered to attend with it in the House, and there amend it, by erasing the name of whomsoever the House have determined to have been not duly elected, and inserting the proper name or names. If there be two returns, and one is declared void, he takes that off the file, leaving the other, and if that other contain the name or names of persons declared not duly elected, it is amended in the same manner.

The same return may undergo two amendments, when both the legality of the return, and merits of the Election are disputed, and separately decided upon.⁽ⁱ⁾ Originally the mode was otherwise, till it was resolved,^(k) that after a return into the crown office, " the same shall not be altered by the sheriff, or the clerk of the crown, or any but " this House."

(a) 1 Peck, 17.

(b) Okehampton, 1 Fras. 69.

(c) Milborne Port, 1 Doug. 97.

(d) 1 Lud. 75. 1 Peck, 1. 2 Peck, 371.

(e) Oxfordshire, Dec. 1754. 2 Peck, 376.

(f) 2 Peck, 383.

(g) Coventry, Phillips.

(h) Colchester, 1 Peck, 506.

(i) 1 Doug. 90, n.

(k) April, 1690.

CHAP. VIII.

Of Election Petitions.

In the latter part of the reign of Elizabeth, and the beginning of that of James I. the House of Commons made the first attempts to assert the exclusive right of determining the merits of controverted Elections of their own members. In the first parliament of James, a Committee of privileges and returns was appointed almost immediately after the disputed return of Sir Francis Goodwin, which the clerk of the crown refused to receive on the ground of Goodwin's outlawry.

To this Committee was referred every trial of the merits of an Election, which was not heard at the bar of the House; and it afterwards became the practice, at the commencement of a session of parliament, to appoint a Committee of this nature, until the present system of trial by Select Committees was introduced.

The 10th of Geo 3, c. 16, was the first of a succession of statutes, by which the present judicature for the trial of controverted Elections is arranged and established.

This judicature consists of a Committee chosen by ballot from the House, according to certain forms prescribed in these statutes, in order to try all petitions upon Election matters, and report their decision to the House.

The subject may be divided into the following chapters—

- 1st. The different sorts of petitions, and those who may subscribe them.
- 2nd. The time and manner of presenting them.
- 3rd. The proceedings of the House in the selection of the Committee.
- 4th. The proceedings of the Committee in the trial of the petition, and
- 5th. Their report to the House.

*Of the different sorts of Petitions, and those who may
present them.*

**Election
petitions.**

There are six different sorts of petitions referred to a Select Committee. 1st. Against the Election. 2nd. Against the return.^(a) 3rd. Complaining that no return has been made; or, 4th. that an insufficient return has been made.^(b) 5th. To oppose the right of Election, or of appointing returning officers, determined by a Select Committee, and reported to the House. 6th. To defend such right.^(c) The four first may be subscribed by any person claiming to have had a right to vote at the Election, or to have been returned, or alleging himself to have been a candidate; and if it be a Scotch Election, by any person claiming to have had a right to vote at the Election of a delegate or commissioner; ^(d) the two last may be subscribed by all persons.^(e) But though every person claiming a right to vote may petition the House, yet care should be taken that no voter, whose evidence is wanted on the trial, be a subscribing party, since no party to a petition can be a witness in support of it.

There is also another kind of petition which may be addressed to the House by one claiming a right to vote, but is not referred to a Committee, viz. to be admitted as a party in the room of the sitting member, or one returned upon a double return, who declines defending his Election or return, or is prevented doing so, by death, advancement to the peerage, or his seat being declared vacant.^(f)

Petitioners.

The words of the statute,^(g) descriptive of the petitioners, have received a liberal construction, and petitions have been received from persons calling themselves "freeholders of the county," from which appellation it could not be strictly inferred that they had, as the act requires, "a right to vote at the Election," since they might have become freeholders between the time of the Election and petition.

^(a) 10 G. 3, c. 16.

^(b) 25 G. 3, c. 84, s. 10.

^(c) 28 G. 3, c. 52, ss. 26, 29.

^(d) *Ibid.* s. 1.

^(e) *Ibid.* ss. 26, 29.

^(f) *Ibid.* s. 3.

^(g) *Ibid.* s. 1.

This question arose on a renewed petition for Middlesex, presented Nov. 1803, and in 1804 a motion made to discharge it, as not being within the statute, was negatived after a debate, and the same point has been decided in the same way by Select Committees. Thus the words in the statute "claiming to have had a right to vote at the Election to which the same (*viz.* the petition) shall relate," were satisfied by the following descriptions in the petitions, "a freeholder of the county of Caermarthen."^(*) "Persons having a right to vote at the Election of burghesses, &c."^(b) No elector, however, can petition against him for whom he voted at the Election.^(c)

But with respect to the grounds of complaint set forth in the statutes which authorize the different petitions, the words of the legislature have been as strictly adhered to as possible, and various attempts to enlarge them defeated.

It was in consequence of a strict adherence to the letter of the statute 10 G. 3, c. 16. 11 G. 3 c. 42, that the 25 G. 3, c. 84, was passed to enlarge the grounds of the right of petitioning.

Mr. Fox petitioned, in May 1784, against a special return of the high bailiff of Westminster, which set forth the names of the three candidates, the state of the poll, that a scrutiny had been demanded, which was proceeding, but *made no return of any member*; the House ordered this petition to be withdrawn, as not within the description of one complaining "of an undue Election or return of a member to serve in Parliament."^(d)

If a petition presented to the House is not taken into consideration during the same session, a renewed petition, ^{Renewed Petitions.} which must contain no new allegation, nor be signed by other parties than those who signed the first,^(e) should be presented the next, and every subsequent session till it is disposed of, within fourteen days from the commencement of the session.^(f) Though the petition should only be signed by those who signed the first, yet it need not be signed by all.^(g) If a petition against the right, &c. is not renewed within the fourteen days, the judgment of the Committee on the question will be conclusive on that place in

(*) 1 Peck, 289.

(b) Boston. *Ibid.* 435.

(c) Herefordshire. *Ibid.* 210.

(d) Westminster, 40 Jour. 1 Peck, Introd. xix.

(e) 3 Doug. Pref. ix.

(f) 28 G. 3, c. 52, s. 5. 34 G. 3, c. 63.

(g) Midhurst, 2 Peck, 146, n.

all subsequent Elections. And all renewed petitions delivered in together, will be read in the order in which they were directed for consideration in the last session.

Irregularity in the renewed petition may be taken advantage of before the Committee, though it has passed the notice of the House. ^(c)

CHAP. IX.

Of the Time for presenting Petitions.

Presenting
petitions.

THE petition is *presented* to the House by a member, and by an order of the House passed at the beginning of every session; petitions against undue Elections or returns, upon the omission of a return, or an insufficient one, must be presented within fourteen days from the order, or within fourteen days after a new return shall be brought in. ^(b)

And all petitions respecting Irish returns must be presented within fourteen days after the return be brought into the crown office in England, or must be lodged in the office of the clerk of the Crown in Ireland within fourteen days after the return is brought in. ^(c)

Petitions against the report of a Select Committee upon the right of Election, or of chusing returning officers, must be presented within six calendar months after the day on which the report is made, or fourteen days after the commencement of the next session of parliament and the time of limitation begins to run from the first report made by the Committee. ^(d)

Two reports upon the right of Election to the same effect were made by different committees within six months of each other, the House refused to receive a petition presented after the time limited from the first report, but within the time from the second. ^(e)

When the last day of the fortnight limited by the order of the House expires during a recess, petitions against

^(a) Honiton, 3 Lud. 143.

^(b) Journ. 23 Nov. 1802. 1 Peck,

xxvii.

^(c) Votes, 8 January, 1812.

^(d) 53 G. 3, c. 71, s. 15. See 28

G. 3, c. 52, s. 26.

^(e) 1 Peck, xxviii.

undue Elections and returns have in several instances been received by the House on the first day of its next sitting. ^(*) No case has yet occurred with respect to other petitions, for the same equitable enlargement of the time. Where, however, the time expires during the sitting of the House, it invariably refuses to infringe upon the general rule. ^(b)

Of the Recognizance.

No proceedings will be had upon any petition, except such as relate to the right of Election, or of chusing a returning officer, ^(c) unless the petitioner within *fourteen days* after the petition is presented, or within such further time as the House may limit, enter into two recognizances; one in two hundred pounds with two sureties, to appear before the House at the time fixed, and before the Select Committee, and to renew the petition every session until a Select Committee shall be appointed, or the petition withdrawn by permission; ^(d) the second in a thousand pounds, with two sureties in five hundred each for the payment of costs, expenses and fees due to witnesses for the petitioner, to the officers of the House, or to the opposite party in case the petitioner fails to appear before the House at the time fixed for considering his petition, or it be withdrawn by permission of the House, or reported frivolous or vexatious. ^(e)

The names of the sureties in this recognizance must be delivered in writing to the clerk of the House eight days before it is entered into; ^(f) and if not entered into the petition will be discharged. ^(g)

The time, however, for entering into these recognizances may be enlarged once upon sufficient matter properly verified to the House, for a number of days not exceeding thirty. ^(h)

The recognizances are entered into before the Speaker, who appoints two examiners to ascertain the sufficiency of the sureties. ⁽ⁱ⁾

(*) 1 Doug. 83, n. o. 1 Peck, xxviii.

(b) 1 Doug. 84. 1 Peck, xxviii. and the cases there cited.

(c) 28 G. 3, c. 52, s. 32. 53 G. 3, s. 71, s. 14.

(d) 28 G. 3, c. 52, s. 5.

(e) 53 G. 3, c. 71, s. 3.

(f) *Ibid.* s. 4. Duffries Journals, Dec. 1790.

(g) 28 G. 3, c. 52, s. 6.

Recogni-
zance.

There is an order of the House, 1789, "That for the due execution of an Act passed in the 28th year of the reign of his late Majesty, intituled, An Act for the further regulation of the trials of controverted Elections, or returns of members to serve in Parliament, as far as the said Act respects " the recognizances thereby required " to be entered into, by any person having presented a " petition to this House, complaining of an undue Election, or return, or of the omission of a return, or of the " insufficiency of a return, it is expedient, that *the examiners of sureties*, to be appointed by virtue of the said Act, should attend (for the purpose of examining the " sufficiency of any surety or sureties, to be named in any " such recognizance) in one of the committee rooms belonging to this House, at such time or times, within the " time limited by the said Act as shall be appointed by " such examiners, on application made by any such petitioner, or his agent, to the clerk or clerk assistant of this " House, and that such petitioner do give due notice of " the time and place of such intended examination, together with the names, additions, and places of abode, of " such sureties, to the sitting member or members, whose Election or return is complained of by such petition, or " their known agent or agents, and to every other person " or persons to whom the Speaker of the House of Commons shall have given notice to attend at the time when " any such petition is ordered by the House to be taken " into consideration, or their known agent or agents." (a)

It is a two days' notice, and the service should be verified by affidavit.

The recognizances of parties, or their sureties, who reside more than forty miles from London, may be entered into before a magistrate, and the examiners may decide upon their sufficiency by affidavit. (b)

If the conditions of a recognizance are not satisfied, it will be certified unto the Exchequer by the Speaker, which certificate will have the effect of an estreat. (c)

If any difficulty arises as to the completion of the recognizance, the matter may be stated to the House of Commons by petition, and relief will be allowed by affording further time, if no negligence or default appear on the part

(a) Journals, 1789.

(b) 28 G. 3, c. 52, s. 7

(c) 28 [G. 3, c. 52, s. 9. 53] G. 3, c. 71, s. 7, 12.

of the petitioner. In one instance an act of Parliament was passed, to allow a naval officer abroad on service, thirty days after his return to enter into the recognizance: ^(a)

Withdrawing a Petition.

Formerly, when a petition complaining of an undue Election or return, of the omission or insufficiency of a return had been presented, it could not be withdrawn, unless it related to the return of a member who had since vacated his seat; ^(b) but now it may be withdrawn upon matter arising since it was presented, verified by affidavit to the House. ^(c)

Withdrawing
the petition.

CHAP. X.

Proceedings of the House in the Selection of the Committee.

As soon as a petition complaining of an undue Election, or return, the omission of a return, or an insufficient one is presented, ^(d) a day and hour is appointed by the House for taking it into consideration, which must not be within fourteen days after the commencement of the session of Parliament in which it is presented, nor within fourteen days after the return to which it relates, shall be brought into the office of the clerk of the crown. ^(e)

Committees.

Notice of the time appointed shall be forthwith given in writing by the "Speaker to the petitioners and sitting "members, or respective agents" (in the case of undue Elections or returns), and to the petitioners, and to the returning officer or officers by whom such return ought to have been made, or shall have been made, (in the case of insufficient or no return) accompanied by an order to attend the House at the time appointed by themselves, counsel or

^(a) 31 G. 3, c. 3.

^(b) 28 G. 3, c. 52, s. 8.

^(c) 53 G. 3, c. 71, s. 8.

^(d) 10 G. 3, c. 10, s. 1. 25 G. 3, c. 84.

s. 11.

^(e) 11 G. 3, c. 42, s. 2. 25 G. 3, c. 84, s. 11.

Committees. agent, in order to the appointment of a Select Committee according to the regulations of the above acts. ^(c)

As to the petition of appeal against the report of a Select Committee, the time appointed for taking it into consideration, must be after forty days from the day it was presented, and notice of the day and hour is inserted in the Gazette by order of the Speaker, and sent to the sheriff or returning officer, who affixes a copy thereof to the door of the county, or town-hall, or parish church nearest the place of Election. ^(d)

On the day appointed for taking the petition into consideration, and before the order of the day is read, the sergeant at arms is directed to go with the mace to the places adjacent, and require the attendance of members; upon his return the House is to be counted, and if there are not 100 members present, to be adjourned. ^(e)

If 100 members are present, the parties or agents are ordered to attend, and forty-nine members selected by ballot, which number is afterwards, upon the parties withdrawing from the House, reduced to thirteen, each party striking off one alternately. ^(f) Each party has also a right of specially nominating a member, and these nominees being added to the reduced list, make the Select Committee of fifteen. ^(g) There are certain causes of excuse which exempt members from serving, if drawn upon the ballot; as having voted at the Election; or being party upon another petition; or not having been returned fourteen days; or having served on a Select Committee in the same session, unless the number of those who have not served is insufficient; or if the petition concern the right of Election, having served on the Committee which reported the right; or being intended for a nominee; or being sixty years old. ^(h) These objections apply equally to the nominees, but they may also decline serving without any reason. Other excuses which appear sufficient to the House, if verified on oath will be allowed. ⁽ⁱ⁾

^(c) 10 G. 3, c. 16, s. 1, 25 G. 3, c. 24, s. 10.

^(d) 28 G. 3, c. 52, s. 22.

^(e) 10 G. 3, c. 16, ss. 1, 4.

^(f) *Ibid.* ss. 5, 13.

^(g) *Ibid.* ss. 11, 13.

^(h) 10 G. 3, c. 16, ss. 6, 7, 8, 9, 11, 12, 15. 53 G. 3, c. 71, s. 20.

⁽ⁱ⁾ 10 G. 3, c. 16, s. 10.

Where there are more than two parties in distinct interests, the list of 49 is reduced by each party alternately striking off one, till 13 remain, who appoint two nominees to be added to their number. ^(c) If at the day and time appointed, no party appears to oppose the petition, the clerk of the House and the petitioner reduce the list to 13, the petitioner nominates one of the nominees and the 12 members the other; the same mode is pursued where a party opposing the petition waves his right to nominate. ^(d) If the petitioner does not appear within an hour after the time fixed for selecting the Committee, the petition is discharged. ^(e)

When the 15 members are thus respectively selected and nominated, they are to be sworn at the table, ^(d) and are then deemed to be *legally appointed*, ^(e) and are directed by the House to meet at a time within 24 hours ^(d), but they usually meet immediately to elect their chairman and adjourn to the following day. ^(f)

CHAP. XI.

Form of Proceeding before the Committee.

WHEN the Committee is assembled to proceed upon the trial of the case, the clerk reads the petition or petitions, ^{Trial of petitions.} the last determination upon the right of Election, if there be any, and the standing order of the House, prohibiting the offer of evidence upon the legality of votes contrary to such determination. Jan. 16, 1735-6.

If there be a double return, the resolution of the House, directing the counsel of the person first named in the return, or whose return shall be immediately annexed to the writ, to proceed in the first instance, is then read. March, 1727-8.

^(c) 11 G. 3, c. 42, ss. 6, 7.

^(d) 28 G. 3, c. 52, ss. 14, 15.

^(e) 28 G. 3, c. 52, s. 13.

^(d) 10 G. 3, c. 16, s. 13.

^(e) 53 G. 3, c. 71, s. 18.

^(f) Orme, 355.

Trial of petitions.

If there be two persons claiming to be returning officers, the resolution of the House relating thereto, if any, is read.^(a)

If the case be within 28 G. 3, c. 52, s. 25, that in the opinion of the Committee the merits of the petition turn wholly or in part upon the right of Election, or the right of appointing the returning officer, written statements of such right of Election or appointment must next be delivered to the clerk by the parties or their counsel. And although it cannot appear that such rights will be disputed by the sitting member till his case be opened, yet the statement must be delivered in the first instance;^(b) and the statement of the right should coincide with the claim of right in the petition.^(c)

But if at variance with it, a new one may be substituted adapted to the claim in the petition.^(d)

It seems however that the Committee are not confined in their decision upon the right of Election by the statements of the parties, but may determine the right according to the proof, though varying from that contained in either of the statements.^(e)

Where the statements turn upon the right to make the return conferred by different offices upon the respective holders, as whether the mayor or portreeve has the right of return, the question as to the legal mode of electing individuals to those offices is not raised.^(f)

Preliminary objections.

Before the case of the petitioner is opened, facts extrinsic to the matter of the petition, whether apparent upon the face of it or not, may be advanced on the other side as preliminary objections to the petitioner's right of proceeding in his case.

These objections relate either to the forms of presenting and signing the petition, or to the right of the voter or candidate to subscribe it, or to the capacity of the latter to sit.

Thus where a petition was referred to the Select Committee as a *renewed* petition, the sitting member was allowed to go into evidence of irregularity in *signing* or *presenting* the second petition. The evidence however failed.^(g)

Where the petitioning elector described himself "a free-

(a) Orme, 359.

(b) 1 Peck, 111, n. *Vid.* 2 Peck, 279, n.

(c) Liskeard, 2 Peck, 278.

(d) *Ibid.* 279.

(e) *Ibid.* and n. g.

(f) *Vide* Okehampton, 1 Fras. 71. Taunton, 1 Peck, 432.

(g) Honiton, 3 Lud. 143, 155.

holder of the county of Carmarthen," a preliminary objection to this description, as not being within the words of the statute 28 G. 3, c. 52, was argued before the Committee, but overruled. A second objection was also urged, that having received a bribe he was incompetent to vote at the Election, and had thereby lost his right to petition; this also failed.^(c) *Vide* other cases in a note to the same effect. ^(c)

Preliminary objections.

Proof being received that one of the petitioners was not a freeholder, and that the others had voted for the candidate against whom they petitioned, they were not suffered to proceed.^(b) A preliminary objection was made, that the petitioner having been convicted of a libel, was disqualified, but it was overruled.^(c)

It has been argued that these preliminary objections ought not to prevail before the Committee, since the members of it being sworn to try the matter of the petition, cannot consistently with their oath dispose of the case upon a ground which sets the matter of the petition entirely out of the question.^(d) And indeed it might not unreasonably be concluded, that the petition having been received by the House and referred to the Committee, the Committee would be bound in its proceedings by the terms of the statute, which gives it jurisdiction;^(e) by which the members are to be sworn "well and truly to try the matter of the "petition referred to them," and are "a Select Committee "to try and determine the merits of the return or Election "appointed by the House to be that day taken into consideration." But the other course of proceeding has been, I believe, invariably adopted, and is perhaps the correct construction, for where it can be shewn that the petitioner either has failed to comply with the previous forms prescribed, or is not within that description of persons who can proceed under these statutes, (incapable of justly claiming a right either to vote or to sit,) there, as the foundation of the proceeding fails, the proceeding may be treated as a nullity; there being no legal petitioner, there can be no legal petition the matter of which the Committee can be bound to try.

There is also a class of cases which may be mentioned

(c) Carmarthenshire, 1 Peck, 299. (c) East Grinstead, 1 Peck, 337.
A. 294. (d) E. Grinstead, 1 Peck, 335.
(e) Herefordshire, 1 Peck, 210. (c) 10 G. 3, c. 16, s. 13.

Where the sitting member withdraws.

here, viz. where the sitting member withdraws himself from before the Committee, and waves his pretensions to retain his seat; in such cases the Committee have varied in their mode of proceeding, in some instances immediately declaring the petitioner duly elected, in others requiring him to proceed and establish his claim.

In the Seaford case the sitting members resigned their claim to the seats, their counsel at the same time suggesting to the Committee the propriety of examining the claim of the petitioners, *ex parte*, before they declared them duly elected. The Committee, however, upon deliberation determined the petitioners duly elected. ^(a) So where the sitting member withdrew, the petitioner was declared duly elected. ^(b) And in three cases *before the House*, previous to the Grenville Act, the same immediate result took place. ^(c) But in the cases of *Ilchester* and *Okehampton*, 1784, where the sitting members were equally disposed to resign their seats, there were circumstances which induced the Committee to proceed further and inquire into the merits. ^(d) And in a much later case the sitting member having withdrawn, the Committee determined that the petitioners should proceed with the case. ^(e)

A material distinction appears between the cases of a sitting member withdrawing himself, and a petitioner being stopped upon a preliminary objection to his right of proceeding; in the latter case the statutable course of questioning the Election is arrested, the petitioner from whose competence to petition the proceeding derives validity, being declared incompetent, the petition becomes a nullity, and cannot therefore affect the right of the sitting member, founded upon an Election and return which has not been legally questioned. Not so the case of the petitioning candidate where the sitting member withdraws; his claim is founded upon no previous Election or return, his ultimate right to sit rests solely upon the decision of the Committee, and that decision should be made upon some evidence; there is a formal and legal petition before the Committee of which the matter may be tried, and it appears that if the petitioner is declared duly elected, merely because the sitting member withdraws himself, the Committee do not

^(a) 3 Lud. 138.

^(b) Dumbartonshire, *Ibid.* n.

^(c) Carlisle, 1741. Radnor, 1761.

Scarboro' 1770. 3 Lud. 140, n.

^(d) 3 Lud. 139.

^(e) Waterford, 1 Peck, 239.

"try the matter of the petition referred to them," nor "determine the merits of the return or Election."

Statement of the Case.

If no preliminary objections are made, or if such as are made are disposed of in favour of the petitioner, his senior counsel opens the case, and not only the general outline of his proofs, but every fact on which he means to rely should be stated, for it is a general rule that each party is confined in his evidence to the facts stated in the opening speech, that the other may not be surprised by the proof of matters of which no previous intimation had been given.^(a)

Counsel to open all the facts.

The counsel was not permitted to call a witness to substantiate a vote which had been tendered at the poll for his client, having made no mention of it in his opening.^(b)

It was expressly stated by the counsel in opening, that the offences charged in the petition would be proved against the sitting member personally, and not through the medium of agents; he was not permitted to ask a witness whether A. B acted as agent for the sitting member.^(c)

But where the following arrangement in the trial was adopted, viz. the interests of one petitioner and one sitting member were identified and conducted by the same counsel, and the like with respect to the other petitioner and sitting member, the counsel, after stating several voters to whom objection would be made, claimed a right to strike off any others who might be impeached in the course of the evidence offered, which, after strong objections from the other side, was allowed by the Committee.^(d)

Neither can a counsel, for the purpose of disqualifying a voter, supply by the cross-examination of adverse witnesses, facts which he has omitted to open.^(e)

As the evidence is limited to those facts which have been opened, so such facts only should be opened by the petitioner as will fairly support the allegations in the petition, for such only will be received in evidence. Where the petition set forth, that at the last election, &c. A. H.

Allegations in the petition.

(a) E. Grinstead, 1803. 1 Peck 338-9.

(d) Great Grimsby, 1 Peck, 60-3.

(b) *Ibid.*

(e) Leominster, 1796. 2 Peck. 396.

(c) Caermarthen, 1 Peck, 293. *Vid.*

3 *Lad.* 113. 2 *Frab* 451.

Allegations
in the
petition.

high sheriff for the county of H——, W. J. and the petitioner, were candidates, it was considered that the mere statement that A. H. was high sheriff at the time of the Election, was but *descriptio personæ*, and not an express allegation or complaint, to raise the objection that he was therefore ineligible.^(a)

But proof of bribery by a person not named in the petition may be given under the general allegation of "other" "undue, corrupt, and illegal practices."^(b) Where, however, there are returns by two persons claiming to be returning officers, as the question of return is generally decided first,^(c) the person named in the legal return is considered as the sitting member, and is not confined to the allegations in his petition.^(d)

Different
questions
tried sepa-
rately.

If the allegations in a petition raise various questions, the Committee will sometimes try each question separately, instead of hearing the whole case opened and proved at once, arranging the order of trying the questions in the way most conducive to a speedy and correct determination of the case, and this mode has been followed, not only with consent of both parties,^(e) but against the inclination of one,^(f) though in some instances, where the separate decision of one question would not have determined the cause, the Committee have refused to separate the case contrary to the wishes of one of the parties.^(g)

Lists contain-
ing objections
to voters.

In controverted Elections for counties in England and Wales, lists of the voters intended to be objected to, were required, by an annual resolution of the House, to be mutually delivered by the petitioners, and sitting members to each other, giving the several heads of objection, and distinguishing the same against the names of the voters intended to be opposed.

And now by stat. 53 G. 3, c. 71, it is required, that in *all controverted Elections* or returns for Great Britain, all the

(^a) *Petersfield*, 1775. 3 Doug. 3. See 4 Doug. 123. 1 Lud. 415. 3 Lud. 405. *Ibid.* 455. *Clifford*, 354. 1 Peck, 589. 2 Peck, 3, 4.

(^b) 4 Doug. 53.

(^c) 1 Lud. 109. But see the contradictory cases collected in 2 Peck, 370. n.

(^d) *Downton*, 3 Lud. 195, 204. *Oke-*

hampton, 1 Fras. 151, 162. 2 Peck, 523.

(^e) *Bristol*, 1 Doug. 246. *N. Berwick*, 2 Doug. 426.

(^f) *Seaford*, 3 Lud. 35. *Honiton*, 3 Lud. 164.

(^g) *Downton*, 3 Lud. 176. *Steyning* 2 Fras. 403-7.

parties complaining or defending, shall deliver such lists to the clerk of the House, to be kept in his office for the inspection of all parties concerned. Upon controverted Elections for *Scotland*, or for *counties* in England and Wales, the lists must be delivered ten days before the day appointed to consider the petition, upon others five days.^(a)

Lists containing objections to voters.

No objection can be heard at the trial unless set forth in the list delivered, and even that limitation may be narrowed by a direction from the Committee to a counsel opposing a voter, to name such of the objections specified in the list as he means to rely upon.^(b)

It has been holden that the party establishing a vote need not address his evidence to objections, which though made had not been discussed.^(c) If, however, a counsel in supporting a vote, discloses by his examination in chief, a defect not set forth in the opponent's list, the counsel for the opponent may take advantage of that disclosure, and impeach the vote for that defect.^(d)

The Middlesex Committee made a resolution to this effect, that where the description on the poll was insufficient, it might be taken advantage of, though not specified in the list of objections.^(e) But no advantage can be taken of the omission of some collateral act required by the legislature to give validity to a legal instrument from which the voter derives his freehold, as the registry of an annuity deed, unless specified in the list.^(f)

It is necessary that these objections should be accurately stated, that the evidence produced to sustain them may have a direct application, since an objection founded upon one cause of disqualification can only be supported by evidence of the same. Thus where the objection was want of possession for a year, evidence to impeach the freehold was rejected.^(g) Where the objections were "no freehold," "no freehold as described on the poll," the Committee would not allow any inquiry as to the year's possession.^(h) The objection was "no freehold;" in the poll book, the voter had given in his freehold as a rent *reserved*, and evidence

(a) 53 G. 3, c. 71. s. 1.

(b) Middx. 2 Peck, 45-6.

(c) Gloster, 28.

(d) Middx. 2 Peck, 47-8.

(e) Middx. 2 Peck, 52. This was

before 53 G. 3, c. 71. ante.

(f) Glost. 148.

(g) Glost. 115.

(h) Midd. 2 Peck, 50.

Lists contain-
ing objections
to voters.

was offered to prove it a rent *charge*, which was not allowed under the objection of "no freehold."^(c) Objection "no freehold," "no freehold as described on the poll not duly assessed;" evidence that the voter had no freehold in the occupation of the tenant named on the poll was rejected.^(b) Objection "not assessed," the voter voted for a share in Fulham Bridge, the property was rated in the name of the proprietors of Fulham Bridge; to prove the voter a proprietor, a conveyance was produced to one of the same name, the Committee refused to receive evidence that this was not the voter; no specific objection had been made that the voter had no freehold, or no such freehold as described on the poll.^(c)

There were two men of the same name and place who polled for the sitting member, one was objected to as not assessed; it was understood to be the sense of the Committee, that he should be identified by the petitioner before the objection could be entered upon.^(d) So in the Gloucestershire case, where there were three of the same name and place, the Committee resolved, "that as several John Ballingers appear on the poll, the evidence shall be confined to John Ballinger, who polled on the first day."^(e) The votes of persons objected to by wrong names were not allowed to be questioned.^(f)

Evidence of no freehold will support an objection of no freehold of 40s.^(g) So evidence that the freehold is out of the county, will support the objections of "no freehold," no freehold as described on the poll, no freehold in the division for which he voted.^(h)

Immaterial statements in the list, though erroneous, will not vitiate the objection, nor shut out evidence of the material parts.⁽ⁱ⁾ The voter's residence being mis-stated, it was contended by the sitting member, that although the statement of residence was unnecessary, yet being stated incorrectly, the objection could not be gone into, but the Committee decided otherwise, and proceeded to examine the vote.^(k)

(c) Glost. 121.

(d) Middx. 2 Peck, 50.

(e) Middx. 2 Peck, 51.

(f) 2 Lud. 517.

(g) Glost. 126.

(f) Middx. 2 Peck, 49. 50.

(g) Glost. 105.

(h) Middx. 2 Peck, 50.

(i) 2 Peck, 49.

(k) *Ibid.* 49.

In the discussion of disputed votes, a Committee will sometimes hear the case of a single voter re-argued.^(*)

Parties before the Committee.

The candidates at the Election are not in all cases the only parties before the Committee; when the petition contains matter of complaint against a returning officer, which may subject him to the censure of the House, he is allowed one counsel to attend on his behalf; ^(b) and where the rights of electors not being parties to the petition are unexpectedly put in jeopardy in the course of the trial, they may be heard upon the subject in which their interests are concerned.

Thus where the candidates at the time of the poll were apparently agreed upon the right of Election, but in the Committee, when the petitioner's counsel had finished his opening, the sitting members declared their intention to dispute the right, and mutual statements were accordingly delivered and the right argued, the Committee resolved that the electors, no petition having been presented by any of them, might be heard by themselves or counsel. ^(c)

So where the sitting member withdrew from the trial, upon proof of his disqualification, the Committee resolved, that the voters in his interest, who were petitioners, might be heard touching any matters concerning them. ^(d)

Counsel.

Not more than two counsel on each side are heard before the Committee, but an additional one may be in attendance to act in the absence of either of the others. However numerous the petitions may be, if they are in substance the same, the petitioners are heard but by two counsel. Where amongst other things the right was questioned by the petitioning candidate, the Committee, after allowing that liberty had been sometimes granted,

^(*) Fowey, Corb. Dan. 145-6.

^(b) 1 Peck, 77, 146-504.

^(c) Weymouth, Melcombe Regis,

2 Peck, 197.

^(d) Coventry, 1 Peck, 96.

Counsel.

refused to hear the counsel for the electors, stating, that a year was allowed for an appeal principally, that the electors might have an opportunity of disputing the right if they chose. ^(*) And this rule applies to the sitting members, where their grounds of defence are the same. But where the interest of the different parties before the Committee rest upon different grounds and are clearly distinguishable, each candidate and sitting member is allowed two counsel, and the electors are heard by theirs.

Thus where the right of Election was disputed, and petitions presented both from candidates and electors; as their interest were not directly the same, that of the candidates being confined to the particular return, that of the electors extending to the permanent right of Election, the counsel for the electors was heard when the case of the candidates was concluded. ^(b)

The like offer to hear the counsel for the electors was made in the Chippenham case. ^(c)

But where separate petitions were presented by *different electors* against the right of Election determined by a former Committee, as the object and interests of the different petitioners were the same, the Committee resolved, that counsel should be heard for one set of petitioners only. ^(d)

Order of Hearing.

The order of hearing the parties is commonly as follows. 1st. The petitioning candidates, as their petitions are classed in the House; next the electors, if the right of Election is disputed; and upon double returns, the candidate whose name is first in the return, or is immediately annexed to the writ.

But this mode is occasionally departed from, when the necessity of justice requires it; and the order of hearing the parties is arranged according to the convenience of the case.

In the Middlesex case, where, amongst other things, the conduct of the returning officer was complained of, after

(*) *Dorchester*, 1 *Fras.* 335.

(b) *Liskeard*; 1 *Peck*, 145.

(c) *Chippenham*, 1 *Peck*, 271.

(d) *Liskeard Appeal*. 2 *Peck*, 317

the petitioner's case was concluded, and the counsel for Counsel. the returning officer had opened his case, the Committee decided, that the case for the sitting member should be opened before the witnesses were called for the returning officer. (a)

Nor is the Select Committee bound in respect to the separation of the parties, by the form of proceeding previously adopted by the House upon the ballot.

Thus in the Herefordshire case (b) there was no petition from any person claiming to be returned, but different electors presented separate petitions, each petition being against a different sitting member; the House had refused to distinguish them upon the ballot, yet when the case came before the Select Committee, the petitions appearing wholly unconnected, the petitioners were heard separately, and the sitting members ordered to reply, either jointly or separately as they chose.

Of certain matters of Evidence relating to Election Petitions.

- 1st. Of the poll.
- 2nd. Of the minutes of committees.
- 3rd. Of private documents.
- 4th. Of agency.

The legal custody of the poll book is with the clerk of Of the poll. the peace, but if it has not been deposited with him, the Committee will make an order upon any person who has the actual possession, to produce it. (c)

The poll is the best evidence of an Election, and what persons were candidates and voters, (d) and should be produced, or the Committee will refuse to proceed with a case; (e) but like all other written instruments, it must be authenticated before it is received in evidence.

In county Elections in England, the sheriff or returning officer is required, within twenty days after the Election, to deliver over upon oath to the clerk of the peace all the poll books without any alteration, &c. (f)

(a) 2 Peck, 23.

(b) 1 Peck, 185.

(c) Herefords, 1 Peck, 208. London, 2 Peck, 270.

(d) Limerick, Corb. Dan. 92.

(e) Newcastle-under-Lyne, 1 Peck, 492.

(f) 10 Ann, c. 23, s. 5.

of the poll.

As it is to be presumed, that public officers have performed what the law requires, unless something appears to rebut this presumption, the production of the poll book by the clerk of the peace makes it evidence; but it has been received, even where the requisition of this statute was not complied with. The under sheriff had kept the poll books since the Election, not being aware of the statute; they had been brought to London by his clerk, the witness who produced them; the Committee after deliberation declared, "that they did not take upon them to decide in whom the legal possession of the books was, but that they would receive them from the person who had the actual possession of them."^(*)

So the Yorkshire Committee, in 1735, received the poll in evidence under the following circumstances. Books called the original poll books of the last Election, were produced by the deputy clerk of the peace for the East riding of the county; they had been delivered over to him by the high sheriff of the said county in open court, at the quarter sessions of the peace for the said riding, about two months after the Election, as the original poll taken at the said Election, and had been kept by him the said deputy clerk ever since, among the records of the sessions of the peace for the said riding; these books, though *not delivered over by the sheriff within the time, nor upon oath*, as required by the 10th Ann, &c. were admitted in evidence.^(b)

But where the clerk of the peace produced twelve paper books, delivered to him by the under sheriff as the poll-books, which were taken at different places, some by the sheriff's agents, and others by agents for the candidates, but he could not distinguish which of them made the sheriff's poll, and none of the books being either sworn to or attested by the sheriff, the Committee did not think them sufficient to proceed upon.^(c)

So where the poll was produced by the clerk of the peace, who stated he had received it from the assessor to the returning officer, the Committee refused to receive it in evidence, as not properly authenticated.^(d)

(*) Herefords, 1 Peck, 308.

(b) 22 Journ. 587. 2 Peck, 270. n.

(c) Bucks, 2 Jour. 80. 2 Peck, 271. n.

(d) Dungarvon, 1 Ros, 711.

There is a similar provision for the delivery of the poll, to the clerk of the peace in all Irish Elections, for counties, ^(c) and for counties of cities, and counties of towns. ^(d)

Before this regulation for counties of cities and towns in Ireland was provided, the following points were decided upon the authentication of the poll. A person who was both town clerk, and clerk of the peace for the county and city of Limerick, attended before the Committee and stated, that the sheriffs were the returning officers, and that from one of them he received the poll a few days after the Election; that the poll book was sealed up in a parcel when he received it; and that it continued so sealed up in his possession ever since. It was objected, that this was not sufficient evidence to shew, that the poll proposed to be produced was the poll taken at the Election; and the objection was allowed. ^(e)

But where it appeared that the sheriff having signed the poll at the termination of the Election, immediately gave it back to the poll clerk, who kept it scarcely a day to make some minor alterations in some of the entries; that the sheriff afterwards delivered it at the office of the clerk of the peace; and being present before the Committee, gave evidence that the poll then produced by the clerk of the peace was the same he signed and left at his office; the Committee received it in evidence. ^(f)

The production of the original poll as a preliminary step to the determination of the merits, has been held necessary in the case of an Irish petition, although the commissioners had returned such of its contents as were sufficient for the trial of the cause. A Committee having issued a commission into Ireland to take evidence under the 43d G. 3, c. 106, met again after adjournment to try the merits of the Election upon the evidence returned under the commission; it was contended by the sitting member, that the petitioner must produce the original poll book, but it being mentioned, that the petitioner had taken the precaution of bringing over the poll from Ireland, and had tendered it in evidence on the first day of the sitting of the Committee in the last session (when they

(c) 35 G. 3, c. 29, s. 16, Ireland.

(d) 4 G. 4, c. 55, s. 76.

(e) Limerick, Corb. Dan. 89.

(f) Drogheda, Corb. Dan. 97.

Of the poll.

met to issue the commission) but no entry had been made on the minutes, and the Commissioners had omitted to return the poll books which had been sent back to Ireland, after its production, the Committee resolved, that the production of the poll was necessary, but that the omission not being imputable to the petitioner, it should not be permitted to destroy or suspend the proceedings. ^(*)

But an admission by one of the parties, that certain persons voted for him, supersedes the necessity of proving that fact ^(b) by the production of the poll.

When a poll has been taken at an Election for a city or borough, that also, when authenticated, is the best evidence of the Election, the candidates, and voters; and there are several decisions as to the proof required to authenticate as polls, certain papers which purport to be polls.

The under sheriff for the city of Bristol being called to produce the poll, stated, that there were four places at which the poll was taken; that he was present during the whole Election, and took the poll at one of the places himself; that the poll was taken at the other three places by his son, his partner, and his clerk; that the books he had to produce were those which were given to them to take the poll in; that he collected and cast up all the polls every evening as under sheriff; that he collected and kept the different poll books in his custody each night, and gave them out to the same persons, who were the sworn poll clerks every morning; and that at the close of the poll, he collected the different books and declared the numbers. The Committee determined, that the poll books should be received in evidence. ^(c)

The person who was town clerk and under sheriff produced the poll book, and stated, he believed he had received it from the sworn poll clerk (whom he knew as poll clerk) soon after the Election; it remained unaltered ever since in his custody, which was the proper custody. The Committee resolved, that the poll book was not sufficiently proved. On the next day, however, the poll clerk ap-

(*) Waterford, 1 Peck, 233-6. It was held, however, by subsequent resolutions, that the production of the poll was necessary, and the petitioner was directed to proceed with

such parts of his case as were unconnected with documents not before the Committee.

(b) *Ibid.* 240.

(c) Bristol, Corb. Dan. 87-8.

peared, and proved the poll book to be in his hand-writing, the same he took at the poll, and that he delivered it at the close of the poll, either to the town clerk or assessor. Upon which the Committee received the book in^(c) evidence. Of the poll.

A paper purporting to be the copy of a former poll was found amongst family papers of a gentleman of fortune in the borough; it was in the hand-writing of a man who was clerk to the gentleman's ancestor, the recorder, and upon it was a memorandum by the recorder, and with it a letter to him from one of the corporation, upon the Election; all the papers in the borough were proved to have been lost; and the Committee received the evidence. ^(d)

So they received the copy of a former poll found in the corporation chest, and indorsed by the town clerk. ^(e)

But copies of polls at two contested Elections, found amongst the papers of the member who sat in consequence of those Elections were not received. ^(f)

So a paper entitled, "A true copy of the poll," &c. to which the hand-writing was not proved, found in a family repository of deeds and papers, was rejected. ^(g) And in the Steyning case, several papers purporting to be polls taken at different Elections long past, found not in the corporation chest, nor amongst the papers of the person who appeared to have been the proper officer to take the polls, or his representatives, but of one who was steward of the borough after the period to which two of the polls related, were rejected. ^(h)

Although the polls are the best evidence of the matters they contain, yet the cheque books have been admitted to correct and amend the poll books, ⁽ⁱ⁾ and parol evidence was held admissible to correct both, where notice of the mistake was given to the sheriff at the Election. ^(j) But a different rule was laid down in the Middlesex case, and no evidence allowed to alter the poll; though where the name taken down by the poll clerk was similar in sound to the real description of the voter, the Committee held a

Evidence to correct the poll.

^(c) Chester, Corb. Dec. 72.

^(d) Saltash, 2 Lud. 393-3.

^(e) Okehampton, 1 Fras. 120.

^(f) Harwich, 1 Peck, 380.

^(g) Downton, 1 Lud. 276.

^(h) 2 Fras. 310, &c.

⁽ⁱ⁾ Gloster, 162. Bedford's, 1 Lid. 356.

^(j) Bedford's, 1 Lud. 382. *Vid.* 376.

Evidence to
correct the
poll.

variance as the mistake of the clerk, rather than a misdescription of the voter, if the similarity justified them. ^(c)

It was resolved by the Gloucestershire Committee, that the counsel should not adduce evidence to *contradict* the descriptions or entries in the poll books, but that evidence might be adduced to *explain* them. ^(d)

2. Of the Minutes of Committees.

It is a rule of law that a judgment is in all cases admissible as proof of the fact that such judgment took place, and of its legal consequences; but when adduced as proof of the matters on which it is founded, it is only admissible against such as were parties to the judgment, or those who stand in privity with them. ^(e)

The minutes of a former Committee were offered to prove, that there were such proceedings as the petition set forth, that the only evidence in those proceedings against A. B. was evidence of bribery and treating, that the Committee declared A. B. not duly elected, and that such declaration therefore was in fact a determination, that A. B. had been guilty of bribery and treating; the Committee received the evidence, ^(f) and their decision was according to law; for the proceedings were not tendered as evidence that A. B. had been guilty of bribery and treating, but merely that he had been declared so by a Committee.

But the minutes of a former Committee being tendered to prove, that the premises granted to certain disputed voters were the same, and the conveyances of the same nature, and made under the same circumstances as in a former case, in which former case the Committee had struck off the votes given in right of them, were rejected. ^(g)

Where a witness on a former petition has been shewn to be dead, his evidence has been read from the minutes taken upon that petition. ^(h)

^(c) 2 Peck, 52.

^(d) Gloster, 139.

^(e) See Starkie, 187-8, 190.

^(f) 2 Norwich, 3 Lud. 459, 474-7.

^(g) Okehampton, 1 Peck, 375.

^(h) Steyning, 2 Fras. 335.

3. Of Private Documents.

Under the authority of the statute, 10 G. 3, c. 16, s. 18, "to send for papers and records," the Committee will neither compel, nor allow the production of certain documents to impeach a voter's title, without the consent of those interested in them; but evidence of the same facts which the document would have proved, may be given by secondary means.

Thus in the Middlesex case, ^(a) the Committee resolved, that it was irregular to serve orders on voters to produce their title deeds, and directed such as had been issued to be recalled. The same was holden in the Bedfordshire case. ^(b) So a voter is not bound to produce his appointment as parish clerk. ^(c) Nor a trustee a deed of trust, without the consent of the *cestui que* trust. ^(d) But where estates had been conveyed to trustees to sell for the payment of debts, and the purchase money being insufficient to cover the amount of the debts, the *cestuique* trust had refused to join in any conveyance to the purchaser, whereby the legal estate remained still in the trustees, the Committee compelled a person in possession of the deeds to produce them, one of the trustees being present and consenting, though against the desire of the *cestuique* trust. ^(e) The books of the Society of Lincoln's Inn were not received to impeach a voter's title to his freehold. ^(f) Nor the court rolls of a manor for the same purpose against the lord's consent; nor was the steward compelled to produce them; though he had the lord's consent, or to give evidence of their contents. ^(g) And where the lord of the manor forbade the steward to produce the court rolls, the prohibition was holden to extend to the bailiff's account books as documents in the hands of an inferior officer of the manor. ^(h)

But parol testimony, or writings with the consent of those interested in them, may supply the place of the

^(a) 2 Peck, 133.

^(b) 2 Lud. 508.

^(c) Middx. 2 Peck, 133.

^(d) *Ibid.* 118.

^(e) Coventry, 1 Peck, 94-6.

^(f) Middx. 2 Peck, 119.

^(g) *Ibid.* 123.

^(h) *Ibid.* 124.

Private documents.

proofs contained in the documents which are withheld. As where the lord objected to the production of court rolls, a copy of the voter's admission to his copyhold voluntarily given by him to the witness for the purpose, was received to impeach his right of voting.^(a) So where a voter refused to produce his title deeds, the memorial of a conveyance to him was received to destroy a presumption, that the estate for which he voted was in a third person.^(b) But the copy of a voter's admission produced by another who had no interest in the copyhold in question, though a tenant of the manor^(c) was rejected, though he was allowed to prove that he had seen the voter admitted to some premises in the manor.^(d) Voters having refused to produce their title deeds to burgage tenements, parol evidence was received of their contents.^(e) When Irish Committees are appointed to take evidence in Ireland under an order of a Select Committee, "and documentary evidence is received by them," an authentic copy of original evidence tendered to the Commissioners, returned by them to the Committee, is evidence before the Committee.^(f)

4. Agency.

It has been frequently disputed before Committees, whether in order to affect a candidate with an act of bribery committed by another person, it is necessary first to prove such other the agent of the candidate; or whether evidence of the bribery may be adduced before the agency is established.

If the judgments of men were never biassed by considerations foreign to the question in dispute, it would be a matter of indifference, whether the agency or the bribery were first established. But as few men would be able to examine with unbiassed minds, whether A. were the agent of B. for the purpose of bribery, after it was once established that A. had been bribing voters to poll

(a) Middx. 2 Peck, 124.

(b) *Ibid.* 132.

(c) 2 Peck, 129.

(d) *Ibid.* 131.

(e) East Grinstead, 1 Peck, 320.

(f) Waterford, 1 Peck, 237.

for B., the order in which these facts shall be proved is Agency.
often a matter of great practical importance.

And accordingly upon questions of bribery, this point has almost invariably been raised, and Committees have come to opposite decisions; some admitting evidence of bribery in the first instance,^(a) others requiring that agency should be previously established.^(b)

But supposing it to be decided, that agency must first be proved, the next question is, what facts will amount to proof of agency. Where an agent is employed for an unlawful purpose, it is obvious, that care will be taken to avoid furnishing evidence of the engagement. The relation therefore must commonly be inferred from a variety of minute circumstances; and as the slightest shades of difference may lead the mind to opposite conclusions, it is not always possible to reconcile the decisions upon this subject.

In the Mitchel petition, proof that A. was the steward of Lord F. on whose interest the petitioner stood, that A. and the petitioner resided in the same house during the Election, and that they canvassed the town together, was held insufficient to establish the fact of agency.^(c)

A particular authority to pay for the subsistence of non-resident voters, was holden not sufficient proof of a general agency, so as to let in evidence of the employment and payment of resident voters.^(d) Yet where a man was agent for all *lawful* purposes of the Election, and gave general directions, that the orders of a sub-agent should be complied with, the orders of the sub-agent as to an unlawful purpose, viz. the treating the voters, were held to affect the principal.^(e)

Where an attorney of the town had attended the candidate before and during the Election, had accompanied him in his canvass and solicited votes for him, and was described by a witness as appearing to be his agent, and had afterwards paid the expense which had been incurred by

(a) Bristol, 1. Doug. 279. Ivelchester, 3 Doug. 159. *Ibid.* 1 Lud. 470. *Ibid.* 1 Peck, 303. Dumfermling, 1 Peck, 15. Bridgwater, *Ibid.* 102.

(b) Norwich, 3 Lud. 451. Hindon, 1 Doug. 175. Shatts. 2 Doug. 309. Worcester, 3 Doug. 262. Durham, 2 Peck, 185.

(c) Mitchel, 1 Lud. 89. *Vide* Petrie, 509, referring to p. 77. Corb. Dan. 62.

(d) Durham, 2 Peck, 185.

(e) Middx. 2 Peck, 31.

Agency.

opening a house where the voters were entertained, the Committee received evidence of his conversation at the time he paid the money, as against the candidate. ^(c)

A candidate who declined in favour of the sitting member, was not regarded in the light of an agent, so as to affect the latter by his acts. ^(d) Nor will the sheriff be criminally implicated by conversations of the under sheriff in his absence. ^(e)

Upon an indictment for conspiracy, proof of concert and connection must, in general, be given before the defendant can be affected by the acts of others. ^(f)

But where the petitioners' counsel opened a case of conspiracy between the sitting members and certain electors and others, evidence of the acts of the latter was received before any proof given of their connection with the sitting member. ^(g)

Confidential
communications.

There are certain confidential relations which the law recognizes, and forbids persons who are within them from disclosing matters which they know in consequence of such relations; as those between a client and his counsel, or attorney. And though an agent at an Election has in some instances, under this principle, been privileged from disclosing before Committees, what might affect the interests of his employer, it was an extension of the privilege not warranted by the law; since the principle to be collected from the cases, appears to confine it to counsel, solicitors, and attorneys. ^(h)

A Committee, however, has decided, that an avowed agent should not be allowed to prove, treating by the candidate who employed him. ⁽ⁱ⁾ That agents should not be examined, touching the contents of deeds or writings which they had been permitted to inspect as agents. ^(k) That a person confidentially employed by a voter, to draw a deed which the voter refused to produce, should not be examined as to the contents of it. ^(l)

But an attorney professionally employed, was compelled to disclose acts done by him, not necessarily within his

^(c) N. Windsor, 2 Peck, 194.

^(d) E. Retford, 1 Peck, 479.

^(e) Middx. 2 Peck, 33.

^(f) Starkie, 401.

^(g) Corb. Dan. 256.

^(h) See Starkie, E. 396.

⁽ⁱ⁾ Carmarthens, 1 Peck, 293.

^(k) Gloster, 25.

^(l) Middx. 2 Peck, 132.

professional duty, such as going to the candidate's bankers for some tickets to be distributed to the voters during the Election. ^(c) Petitions frivolous, and costs.

And bankers have been called upon by Committees to produce drafts in their possession for the payment of money, and their account books, for the purpose of allowing inspection of such particular *items only* as relate to the question before the Committee, ^(b) or sufficient extracts from those books which the party requiring their production shall specify. ^(c)

CHAP. XII.

Of the Report of the Select Committee.

1st. Of petitions reported to be frivolous, or vexatious, and the effect as to costs.

2nd. Of reports as to the right of Election, &c.

1. Of Petitions Frivolous or Vexatious, and Costs.

When the Committee report to the House their final determination on the merits of a petition, (except in the case of a petition against the right of Election, or of appointing returning officers,) they are to report whether it was frivolous or vexatious, or if no party opposes the petition, whether the Election, &c. complained of was vexatious or corrupt. ^(d) And if amongst the objections to voters, stated in the lists delivered to the clerk of the House, there are any, to support which no evidence is produced, and the Committee consider the objection frivolous, or vexatious, they shall so report it. ^(e) The effect of such report is to entitle the opposite party to costs. ^(f)

Where a petitioner has declined entering into evidence before the Committee, ^(g) or his evidence fails altogether to support the allegations, ^(h) or the petition is groundless, being

^(c) 1 Peck, 209.

^(d) Norwich, 3 Lud. 448. *Ibid.* 450.

^(e) Southwark, Clifford, 105.

^(f) 28 G. 3, c. 52, s. 18. 53 G. 3, c. 71.

^(g) 53 G. 3, c. 71, s. 2.

^(h) *Ibid.*

⁽ⁱ⁾ Bishop's Castle, 1 Peck, 209.

Hereford, 2 Peck, 257. Ilchester,

2 Peck, 274. Sutherland, 2 Fras. 177.

Malden, 2 Peck, 255. Midhurst,

2 Peck, 147; but see Shafton, Penryn,

Inverness, 1 Peck, 18 and 251, 109.

Minehead, 2 Peck, 287. *Ibid.* 273.

^(j) E. Grinstead, 1 Peck, 335.

Petitions frivolous, and costs

presented under a misapprehension of the law,^(c) the petitions have been reported frivolous and vexatious. But where events have occurred between the time of presenting the petition and the trial, to alter the petitioner's case, as the death of witnesses,^(b) or a legal decision connected with his claims, the Committee have not so reported, though no evidence has been adduced. Committees appear to have been sometimes influenced by the wishes of the successful party in abstaining from making this report, in cases where notice has been given that no evidence would be offered,^(c) and also where evidence has been entered into and failed.^(d) Where the sitting member was a minor, and gave notice to the speaker, that he should not oppose the petition, the Election was reported vexatious, but not corrupt.^(e)

Whenever the petition, or the opposition,^(f) shall be reported frivolous or vexatious, the petitioners, or persons opposing the petition, as may be, are liable to the costs incurred by the other side. So where an objection in the list of voters is reported frivolous or vexatious, the other side may recover costs incurred by reason of such objection.^(g)

So where no person appears to oppose, and the Election, &c. is reported vexatious or corrupt, the sitting members are answerable in costs to the petitioners,^(h) unless they give notice that they shall not defend.

Costs are not only allowed to the parties, but the expenses of witnesses summoned for the petitioners, and the fees of the officers of the House, are to be paid by the petitioners, if the petition is not duly proceeded on, or is reported frivolous or vexatious.⁽ⁱ⁾ The amount of these costs, &c. is to be ascertained by the taxation of two persons appointed by the speaker out of certain persons specified in the statutes.^(k) And the speaker will certify the amount of costs to be received according to their report,^(l) which certificate will have the effect of a warrant of attorney to

(c) Bodmin, 2 Fras. 238.

(d) Honiton, 2 Fras. 247.

(e) Evesham, 1 Peckwell, 471.

(f) Cirencester, 1 Peck, 467. But see *contra*. Ilchester, 2 Peck, 274. Bishop's Castle, 1 Peck, 469.

(g) Flintshire, 1 Peck, 506.

(h) 28 G. 3, c. 52, ss. 19, 20. 53 G. 3,

c. 71, s. 3.

(i) 53 G. 3, c. 71, s. 2.

(k) 28 G. 3, c. 52, s. 21.

(l) 53 G. 3, c. 71, ss. 3, 9.

(m) 28 G. 3, c. 52, s. 22. 53 G. 3, c. 71, ss. 7, 10, 11.

(n) 28 G. 3, c. 52, s. 22. 53 G. 3, c. 71, s. 7.

confess a judgment. (C) Also the recognizance entered into by the petitioners for the payment of the costs, &c. may be certified by the Speaker's warrant into the Court of Exchequer, as if it were estreated. (D) Where the costs have been recovered against either of the parties, he or they may recover a proportion against others who are liable. (E)

2. Of their Determination upon the Right of Election, &c.

When the Committee report to the House their final determination upon the merits of any petition, they are also to report their determination upon the right of Election, (d) for the particular place to which the petition relates, or the right of choosing the returning officer, if the merits of the petition wholly or in part depend upon either of those rights; and for this purpose they are to require written statements of such rights from the respective parties. Their determination then being entered on the Journals, is conclusive as to those rights upon any future petition, unless appealed against within a year, by petition to the House. (e)

Last determination.

But this determination may be questioned *within the year*, not only by a petition of appeal, as mentioned in the statute, but on a petition complaining of an undue Election or return. (f)

Committees therefore cannot receive evidence to *contradict* a last determination upon the right of Election, or of choosing a returning officer; but where such determination is expressed in doubtful terms, so as to admit of different constructions, evidence is admissible to explain it.

(C) 53 G. 3, c. 71, s. 13.

(D) *Ibid.* s. 12. See also for the recovery of costs, 28 G. 3, c. 52, s. 23.

(E) 28 G. 3, c. 52, s. 24.

(d) By 78 W. 3, c. 7, s. 1, returning officers are prohibited from making false returns, that is, such "as are contrary to the last determination of the House of Commons upon the right of Election." By 2 G. 2, c. 24, s. 4, the last determination upon the *legality of votes* by the House was made final, but the statute did not extend to maiden bo-

roughs where no determination upon the right had been previously made. *Vide* a note (B) in 4 Doug. 78. By an order of the House, Jan. 1735-6. the counsel at the bar, or before the Committee of Privileges, are restrained from offering evidence, touching the legality of votes, &c. contrary to the last determination in the House, and the order refers to the statute, 2 G. 2, c. 24. 1 Doug. 99. 23 Jour. 498.

(e) 28 G. 3, c. 52, ss. 25, 6, 7.

(f) *Malmsbury*, 2 Peck, 400.

Last determination.

This evidence may consist of subsequent resolutions of the House, explanatory of that which is contended to be the last determination upon the right; or in other words they may be read together as forming one last determination; thus in the Seaford case, a resolution of 1761 was read to explain the meaning of the word "populacy," in a previous resolution of 1670. ^(c) So a resolution in 1701, that the right of election in Fowey "is in the Prince's tenants, *who are capable of being portreeves of the said borough*, and in such inhabitants of the said borough only as pay scot and lot," was explained by a supplemental resolution of 1770, that the Prince's tenants "who are capable of being portreeves of the said borough, are such tenants only as have been duly admitted upon the court rolls of the manor, and have done them fealty." ^(d)

Or the evidence may consist of other matters, as returns to Parliament, entries in corporation books and papers, charters of the borough, the testimony of old persons natives of the place, usage, &c. ^(e) But it was decided in a late case, that the usage must not be subsequent to the determination it is meant to explain. ^(f)

^(c) Seaford, 3 Doug. 21, 3 Lud. 39. 2 Doug. 69. New Radnor, 1 Doug. 317. ^(d) Fowey, 1 Peck, 515. See also 317. Dorchester, 1 Doug. 349. Haslemere, 2 Doug. 321. Evesham, Corb. Dan. 46.

^(e) Preston, 3 Lud. 226. Bedford, ^(f) Evesham, Corb. Dan. 50.

APPENDIX.

I. WRITS. PRECEPT. NOTICE OF ELECTION.

II. PETITIONS.

III. STATUTES.

[I.]

The Writ to the Sheriff, on a General Election.

GEORGE the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and so forth.—To the Sheriff of the county of Oxford, greeting. Whereas, by the advice and assent of our Council, for certain arduous and urgent affairs concerning us, the state and defence of our kingdom of Great Britain and the Church, We have ordered a certain Parliament to be holden at our city of Westminster, on the twenty-ninth day of November next ensuing, and there to treat and have conference with the prelates, great men, and peers of our realm, we command and strictly enjoin you, that (proclamation being made of the day and place aforesaid, in your next county-court to be holden after the receipt of this our writ) two knights of the most fit and discreet of the said county, girt with swords, and of the university of Oxford two burgesses, and of every city of that county two citizens, and of every borough in the same county two burgesses, of the most sufficient and discreet, freely and indifferently *by those who at such proclamation shall be present according to the form of the statutes in that case made and provided, you cause to be elected; and the names of those knights, citizens, and burgesses, so to be elected* (whether they be present or absent,) you cause to be inserted in certain indentures to be thereupon made between you and those who shall be present *at such election*, and then at the day and place aforesaid you cause to come, in such manner that the said knights for themselves and the commonalty of the same county, and the said citizens and burgesses for themselves and the commonalty of the said universities, cities, and boroughs respectively, may have from them full and sufficient power to do and consent to those things which then and there, by the common council of our said kingdom (by the blessing of God) shall happen to be ordained upon the aforesaid affairs, so that for want of such power, or through an improvident election of the said knights, citizens, or burgesses, the aforesaid affairs may in no wise remain unfinished; *willing, nevertheless, that neither you nor any other sheriff of this*

our said kingdom be in any wise elected ; and that the Election in your full county so made distinctly and openly, under your seal and the seals of those who shall be present at such Election, you do certify to us in our Chancery, at the day and place aforesaid without delay, remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourself at Westminster, the first day of October, in the fourteenth year of our reign.

To be indorsed when returned.

The execution of this writ appears in certain schedules hereunto annexed.

A. B. Sheriff.

Writ for new Election of one Citizen for the City of Westminster.

GEORGE the Third, by the grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.—To our sheriff of the county of Middlesex, greeting. Whereas, Sir P. W. Knight of the most honourable Order of the Bath, was lately chosen one of the citizens for the city of Westminster, in your county, for our present Parliament, summoned to be holden at our city of Westminster, the day of in the year of our reign, and from thence by our several writs prorogued to and until the day of in the same year, on which day our said Parliament was begun and held, and from thence by several adjournments and prorogations was adjourned and prorogued unto the day of and there now holden : And whereas the said Sir P. W. being so chosen a citizen for the said city as aforesaid, is since dead, as, by a letter of our right trusty and well-beloved counsellor, Sir ———, Speaker of our Lower House of Parliament, more fully and plainly appears ; by means whereof our subjects of the said city are deprived of one citizen to treat for the benefit of the same city in our said Parliament : nevertheless, we being unwilling that the commonalty of our kingdom in our said Parliament assembled, to treat of business concerning us, the state and defence of our kingdom and the church, from the aforesaid cause should be diminished or lessened, whereby those affairs may not have a due end, we command you, that, in the place of Sir P. W. within the city aforesaid, one other fit and discreet citizen of the aforesaid city, (proclamation being first made of the premises, and of the day and place), freely and indifferently, by those

who shall be present at the proclamation, according to the form of the statute in that case made and provided, you cause to be elected; and the name of such citizen (whether, at the said Election, he shall be present or absent,) to be inserted in certain indentures to be thereupon made between you and them, who shall be present at such Election, and to cause him to come to the said Parliament; so that the same citizen, so to be elected, may have full power and sufficient authority, for himself, and the commonalty of the aforesaid city, to do and consent to those things which in our Parliament aforesaid, by the common council of our realm, (by the blessing of God,) shall happen to be ordained upon the aforesaid affairs: willing, nevertheless, that neither you, nor any other sheriff in this our kingdom in any wise be elected; and the Election so made, distinctly and openly, under your seal, and the seals of them who shall be present at such Election, certify unto us in our Chancery forthwith, remitting to us one part of the aforesaid indentures annexed to these presents, together with this writ. Witness ourself at Westminster, the day of in the year of our reign.

Yorke and Yorke.

Wrote upon the label to the said writ as following, viz.

To the sheriff of the county of Middlesex.—A writ for a new election of one citizen for the city of Westminster.

Yorke and Yorke.

The execution of this writ appears in certain schedules hereunto annexed.

R. S. Esq. & S. L. Esq. Sheriff.

Precept from the Sheriff of Middlesex to the Bailiff of Westminster, for the Election of one Citizen for the said City.

MIDDLESEX.—Sir C. A. knight, and Sir R. G. knight, sheriff of the said county, to the bailiff of the liberty of the dean and chapter of the collegiate church of St. Peter at Westminster, in the said county, greeting. Know, that I have received a certain writ of our lord the king, to me directed, the tenor whereof followeth, (*here follows the writ verbatim*;) and because the execution of the said writ belongs to you, therefore, by virtue of the said writ, I require you, that you forthwith cause a citizen to be elected for the said city, in the place of the said P. W.

according to the command of the said writ; and how this my warrant shall be executed you shall make known to me immediately after the said Election made; so that I may certify the same, together with the said writ, and this precept return to our lord the king, in his Chancery forthwith. Hereof fail not. This is your warrant, given under the seal of my office, dated the day of one thousand seven hundred and

R. S. & S. L. Sheriff.

To be indorsed when returned.

The execution of this precept appears in a certain schedule hereunto annexed.

J. C. Esq. Bailiff.

Notice of Election for a Borough.

Borough of _____ in the
County of _____

I, A. B. bailiff of the
said borough, do hereby
give notice that I shall
proceed to the Election of two
burgesses to serve in Parli-
ament for the said borough, at the town hall of the said
borough, on Thursday next, the 30th day of October, at
nine o'clock in the forenoon. Dated this 26th day of
October, 1806.

A. B.

[II.]

PETITIONS.

Petition complaining of the Admission of Voters who had received Relief within the Year, and others who had not paid the Rates, and of Bribery and Treating by the Sitting Member, with Notice thereof to the Electors.

**To the honourable the Commons of the United Kingdom
of Great Britain and Ireland in Parliament assembled.**

The humble Petition of A. B. of N—— Buildings, in the city of London, Esq. and of the several persons whose names are hereunto subscribed Electors of the Borough of Penryn, in the County of Cornwall, on behalf of themselves and others, claiming a right to vote for members to serve in Parliament for the said Borough.

Sheweth,

That all your petitioners, except your petitioner A. B. were, at and during the last Election of members to serve

in this Parliament for the borough of Penryn, in the county of Cornwall, electors of the said borough, and had, and claim to have had a right to vote for members to serve in Parliament at the last Election for the said borough.

That at the said Election, Sir C. H. bart. your petitioner A. B. and C. D. esq. were candidates to represent the said borough.

That a poll being demanded, the same was granted and proceeded on, and S. S. gentleman, acted thereat as portreeve and returning officer.

That at the said Election, divers persons who had received parish relief within twelve months before the said Election, and divers other persons who had not paid and were in arrears for their poor's rates, and divers other persons who had no legal right to vote, were allowed to vote for the said C. D.

That the said C. D. by himself, his agents and managers, and by persons employed on his behalf, did, after the teste of the writ for the said Election, and at and during the said Election, and before his Election to serve in this present Parliament for the said borough of Penryn, give, present, and allow to various persons, having or claiming to have votes in the said Election, money, meat, drink, entertainments and promises, agreements, obligations and engagements to give and allow money, meat, drink, presents, rewards and entertainments, to and for such persons in order to be elected, and for being elected a member to serve in this present Parliament for the said borough of Penryn.

That the said C. D. by himself, his agents, friends and managers, and by persons employed on his behalf, before and at, and during the time of the said Election, was guilty of open and extensive bribery and corrupt practices, in order to procure persons having or claiming to have a right to vote at the said Election, to vote for the said C. D. at the said Election, and to forbear to vote for the said A. B. and in order to procure the said C. D. to be returned to serve in this present Parliament for the said borough, and that the said bribery and corrupt practices of the said C. D. and of his agents, friends and managers, were open and notorious in the said borough, and well known to the electors.

That the said C. D. by himself, his agents and managers, and by persons employed in his behalf, before and at, and during the time of the said Election, was guilty of various corrupt acts, and employed undue influence and other illegal and improper means, and gave and caused to be given divers sums of money, and gave and entered into, and caused to be made, given, and entered into, divers gifts, rewards, agreements and engagements, to several persons having and claiming to have a right to vote, in order to procure them to vote at the said Election for the said C. D., and to forbear to vote for your petitioner A. B., and in order to procure the said C. D. to be returned to serve in this present Parliament for the borough aforesaid.

That the said C. D., by the said corrupt and illegal practices, was, and is wholly disabled and incapacitated, and ineligible to serve in Parliament for the said borough of Penryn, and the return of the said C. D. was, and is wholly null and void.

That by the several illegal ways and means aforesaid, the said C. D. obtained a colourable majority of votes over your petitioner A. B., and procured himself to be returned to serve for the said borough, whereas your petitioner A. B. had a legal majority of votes at the said Election over the said C. D., and ought to have been returned to serve for the same.

That due notice was publicly given at the proclamation of the said Election to the returning officer at the hustings where the poll was taken, and to, and in the presence and hearing of the electors of the said borough present at such Election, and before any elector had given his vote, that the said C. D. had been guilty of bribery, in order to his being elected to serve in Parliament for that borough, and that thereby he was disabled and incapacitated from serving in Parliament, and that whosoever should vote for the said C. D. after that notice would throw away his vote, and that the said notice was also publicly and distinctly given to each elector separately when he came up to give his vote at the said Election, and before he had given it; and that each elector was then distinctly told, that the said C. D. had been guilty of bribery, in order to procure his return at that Election, and that in consequence, any vote given for him would be thrown away.

Which said several unlawful and corrupt acts of the said C. D., and other his friends, agents and managers, are contrary to the freedom of Election, in violation of the standing orders of your honourable House, and the laws and statutes of the realm, for preventing bribery and corruption in the election of members to serve in Parliament, and have rendered the election and return of the said C. D. wholly null and void, and that notice of such conduct and practices having been duly given as above to the returning officer, and to the electors, and being well known in the said borough, your petitioner A. B. was duly elected, and ought to have been returned at such Election to serve in Parliament for the said borough of Penryn.

Your petitioner therefore humbly prays this honourable House to take the premises into consideration, and to declare the said Election and return of the said C. D. wholly null and void, and that your petitioner A. B. was duly elected, and ought to have been returned to serve in Parliament for the said borough of Penryn, or that this honourable House will afford your petitioners such further and other relief in the premises as to this honourable House shall seem fit.

Irish Petition, upon a Vacancy, complaining of the Rejection of Votes of qualified Freeholders, and the Admission of those of unregistered Freeholders, unqualified Roman Catholics, and other incompetent Persons.

To &c.

The humble petition of

Sheweth,

That a vacancy having occurred in the representation of the county of Writ. in consequence of C. D. Esq. &c. the usual writ was in due form issued and directed to the sheriff of the said county, commanding him to proceed to the election of a knight of the shire for the said county, in the room of the said C. D. esq.

That the high sheriff of the said county, in obedience to the said writ, did on, &c. proceed to the election of a member to serve in the present Parliament, in the room of the said C. D. esq.

That your petitioner and C. D. were the only candidates who presented themselves, and a poll being demanded in the usual manner for each candidate, the said sheriff appointed deputies, and allotted booths for the several baronies, and proceeded to poll the county, and continued to do so from day to day, until the day of following, when the said sheriff declared the majority to be in favour of the said C. D.; and the said C. D. was thereupon returned by the said sheriff as duly elected.

That the said majority in favour of the said C. D. was but a colourable majority, and was procured by undue, illegal, and unconstitutional means; and that during the said Election, many persons who were freeholders of the said county, and who had legally registered their freeholds, and were duly and legally in every respect qualified to vote on the said Election, came upon the hustings and tendered their votes to the sheriff and his deputies, and declared their intention to vote for your petitioner, and yet their votes were rejected by the sheriff, contrary to law; and that many other freeholders who were in like manner duly registered and qualified to vote, and who would have voted for your petitioner, were prevented by the above-mentioned illegal decisions from tendering their votes at the said Election.

That several persons were admitted to poll by the said sheriff for the said C. D. and counted on the poll in his favour, who were not entitled to vote at the said Election, they not being registered according to the acts and statutes now in force, for the registry of freeholds at any general quarter sessions of the peace for the said county, nor at any legal adjournment thereof, and several appearing to be registered in one barony, when the lands out of which they voted lay in another, and several who, though they appeared to be regularly registered, had in fact, at the

date of the registry, no freehold in the lands out of which they appear to be registered.

Unregistered
and non-free-
holders votes
admitted.

That several persons were admitted to poll by the said sheriff for the said C. D. who, though they professed the Roman Catholic religion, and were in fact Roman Catholics, had not qualified themselves according to law before the teste of the writ for holding the said Election, by taking the oaths prescribed by law, and subscribing the same with the required additions.

That during the said Election, a great number of persons who had not otherwise duly registered their freeholds, according to law, as also many persons who from various legal disabilities were incompetent to vote for any candidate at the said Election, were permitted by the said sheriff and his deputies to vote for the said C. D. contrary to law; and that if the said votes which were illegally received had been rejected, and if the said votes which were illegally rejected had been received, your petitioner would have had a decided majority of legal votes over the said C. D., and would therefore have been entitled to have been returned at the said Election as a representative in Parliament for the said county; and that several undue and illegal practices were resorted to on the said Election, by the said C. D. or his agents and friends to procure votes for the said C. D., and to cause him to be returned by the said sheriff.

That by the above and other undue means, and by many illegal and erroneous decisions of the sheriff and his deputies, during the said poll, the said C. D. obtained a colourable majority, and was returned to serve in Parliament for the said county, in open violation of the law and freedom of Election, and to the great prejudice of petitioner, who had upon the said Election, as he submits it will appear upon a fair scrutiny of the poll, a great majority of the good and legal votes, and ought therefore to have been returned as the member for the said county; whereupon he submits, that the said C. D. is incapacitated to serve in Parliament for the said county upon the said return, and that his said election and return were illegal and void.

Your petitioner therefore humbly prays, that the said C. D. may be declared not duly elected, and that your petitioner may be declared duly elected, and may be substituted in the place of the said C. D. to take his seat as one of the knights to represent the said county in Parliament, and that this honourable House will grant such further relief to your petitioner as the merits of his case may require.

Supplemental Petition.

Sheweth,

That since your petitioner complained to this honourable House of the election of _____ for the boroughs of _____ and others, in Scotland, your petitioner

finds, that the said Election took place in consequence of certain corrupt agreements, and other illegal practices, by the friends and agents of the said of which he was uninformed when his former petition was presented.

Your petitioner therefore trusts, that this honourable House will take the same into consideration at the same time with the matters contained in the former petition, and will find that your petitioner was duly elected, and ought to have been returned member for the said boroughs.

Petition against the reported Right of Election.

To &c.

The humble petition of the several persons whose names are hereunto subscribed, on the behalf of themselves and others, freemen and electors of the borough of in the county of

Sheweth,

That on the day of the Select Committee appointed to try and determine the merits of the petition presented by and esqrs. complaining of an undue election and return for the said borough, reported to this honourable House, "That the right of election of burgesses to serve in Parliament for the said borough, is not in and that the right of election is in

That your petitioner is advised, that the right of election, so determined by the said Select Committee, is not the right of election for the said borough.

Therefore to prevent the judgment of the said Select Committee from becoming final and conclusive, your petitioners humbly pray this honourable House, that they may be admitted as parties, according to the form of the statute in this case made and provided, to oppose the right of election in favour of which the said Select Committee have so reported; and that your petitioners may have such other relief in the premises as to this honourable House shall seem meet, and the case may require.

ELECTION STATUTES.

PART I.—GENERAL STATUTES.

PART II. — PARTICULAR STATUTES FOR IRELAND AND SCOTLAND.

PART I.

ANNO 5^o RICHARDI II. STAT. 2. CAP. 4.

Every one to whom it belongeth shall, upon summons, come to the Parliament. [A. D. 1382.]

“ITEM, the king doth will and command, and it is assented in the parliament by the prelates, lords, and commons, that all and singular persons and commonalties, which from henceforth shall have the summons of the parliament, shall come from henceforth bound to the parliaments in the manner as they are to do and have been accustomed within the realm of England of old times. (2.) And if any person of the same realm, which from henceforth shall have the said summons, (be he archbishop, bishop, abbot, prior, duke, earl, baron, banneret, knight of the shire, citizen of city, burgess of borough, or other singular person, or commonalty) do absent himself, and come not at the said summons, (except he may reasonably and honestly excuse him to our lord the king) he shall be amerced and otherwise punished, according as of old times hath been used to be done within the said realm in the said case. (3.) And if any sheriff of the realm be from henceforth negligent in making his returns of writs of the parliament; or that he leave out of the said returns any cities or boroughs, which he bound, and of old times were wont, to come to the parliament, he shall be punished, in the manner as was accustomed to be done in the said case in times past.”

Absentees
punished.

Punishment
of sheriff
omitting his
return.

ANNO 7^o HENRICI IV. CAP. 15.*The Manner of the Election of Knights of Shires for a Parliament.*

A. D. 1405.

"ITEM, our lord the king, at the grievous complaint of his commons in this present parliament, of the undue election of the knights of counties for the parliament, which be sometimes made of affection of sheriffs, and otherwise against the form of the writs directed to the sheriff, to the great slander of the counties and hindrance of the business of the commonalty in the said county;" "(2) our sovereign lord the king willing therein to provide remedy, by the assent of the lords spiritual and temporal, and the commons in this present parliament assembled, hath ordained and established, That from henceforth the elections of such knights shall be made in the form as followeth; (that is to say) at the next county to be holden after the delivery of the writ of the parliament, proclamation shall be made in the full county of the day and place of the parliament, (3) and that all they that be there present, as well suitors duly summoned for the same cause as other, shall attend to the election of the knights for the parliament, (4) and then in the full county they shall proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary; (5) and after that they be chosen, the names of the persons so chosen (be they present or absent) shall be written in an indenture under the seals of all them that did choose them, and tacked to the same writ of the parliament, which indenture so sealed and tacked shall be holden for the sheriff's return of the said writ touching the knights of the shires. (6) And in the writs of the parliament to be made hereafter, this clause shall be put:" "Et electionem tuam in pleno comitatu tuo factam, distincte & aperte sub sigillo tuo & sigillis eorum qui electioni illi interfuerint, nobis in cancellaria nostra ad diem & locum in brevi contentos certifies indilate."

Election of knights.

ANNO 11^o HENRICI IV. CAP. 1.*The Penalty on a Sheriff for making an untrue Return of the Election of Knights of the Parliament.*

A. D. 1409.

"FIRST, whereas in the parliament holden at Westminster, the 7th year of the reign of our said lord the king, there was ordained and established by a statute for the preservation of the liberties and franchises of the election of the knights of the shire used through the realm, a certain form and manner of the election of such knights, as in the said statute more fully is contained: (2) and forasmuch as in the same statute no penalty was ordained or limited in special upon the sheriffs of the counties, if they make

any returns to the contrary of the same statute," (3) 'it is ordained and stablished, that the justices assigned to take assizes shall have power to inquire in their sessions of assizes, of such returns made; (4) and if it be found by inquest, and due examination before the same justices, that any such sheriff hath made, or hereafter shall make, any return contrary to the tenor of the said statute, that then the said sheriff shall incur the penalty of 100*l.* to be paid to our lord the king; (5) and moreover, that the knights of the counties so unduly returned, shall lose their wages of the parliament, of old time accustomed."

ANNO 6^o HENRICI VI. CAP. 4.

The Sheriff's Traverse to an Inquest found, touching returning Knights of Shires for the Parliament.

A. D. 1427.

7 H. 4. 15.

"ITEM, Whereas, it was ordained and established in the 7th year of king Henry the Fourth, grandfather of our lord the king that now is, that knights of shires for the parliament should be chosen in manner and form following; that is to say, at the next county to be holden after the delivery of the writ of the parliament, proclamation shall be made in the full county of the day and place of the parliament, (2) and that all they which be present there, as well suitors duly summoned for this cause, as other, shall attend to the election of their knights for the parliament, (3) and then in full county they shall proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary; (4) and that after they be chosen, whether such persons chosen be present or absent, their names shall be written in indentures under the seals of all the choosers, and annexed to the said writ of parliament, which indenture so sealed and tacked, shall be holden for the return of the said writ, as to the knights of the said shires; (5) and also in the writs of the parliament hereafter to be made, this clause shall be put in the manner as followeth: Et electionem tuam in pleno comitatu tuo factam, distincte & aperte sub sigillo tuo & sigillis eorum qui electioni illi interfuerint, nobis in cancelaria nostra ad diem & locum in brevi contentos certifies indilate (6). And for that in the same statute no pain was ordained, nor specially set upon the sheriffs of the county, if they make their return contrary to the said statute, it was ordained and established the 11th year of the said King Henry the Fourth, That the justices of assizes should have power to inquire in their sessions of assizes, of such returns made; (7) and if it be found by inquest and due examination before the same justices, that any such sheriff hath made, or hereafter shall make, any return contrary to the tenor of the said statute, that the same sheriff should incur the pain of 100*l.* to be paid to our said lord the king, (8) and moreover that the knights so unduly returned, shall lose their wages of the parliament, in old

11 H. 4. c. 1.

times accustomed; (9) to the great mischiefs of sheriffs and knights of the shire, which he forebarred and put out of their answer against such inquests of office, taken before the said judges, because of the statute and ordinance aforesaid." (10) 'Our lord the king, willing in this case to provide remedy, hath ordained and established, That all the knights of the shires, chosen for this present parliament, and the sheriffs of the same counties against whom any inquests or offices of undue election be found before the justices of assizes shall have their answer and traverse to such inquests of office taken; (11) and also all the knights from henceforth so to be chosen, and the sheriffs that shall make such elections shall have their answer and traverse to such inquests and offices before any justices of assizes hereafter to be taken; (12) and the said knights and sheriffs shall not be endamaged unto our said lord the king or his successors, for any such inquest taken, or to be taken, until they be duly convict according to the form of the law.'

The knights chosen for the parliament, and the sheriffs of counties may have their traverse of an office found against them.

ANNO 8^o HENRICI VI. CAP. 7.

What Sort of Men shall be Choosers, and who shall be chosen Knights of the Parliament.

A. D. 1429.

"ITEM, Whereas the elections of knights of shires to come to the parliaments of our lord the king in many counties of the realm of England, have now of late been made by very great, outrageous and excessive number of people dwelling within the same counties of the realm of England, of the which most part was of people of small substance, and of no value, whereof every of them pretended a voice equivalent, as to such elections to be made, with the most worthy knights and esquires, dwelling within the same counties, whereby manslaughter, riots, batteries, and divisions among the gentlemen and other people of the same counties, shall very likely rise and be, unless convenient and due remedy be provided in this behalf;" (2) 'our lord the king, considering the premises, hath provided, ordained and established by authority of this present parliament, That the knights of the shires to be chosen within the same realm of England, to come to the parliaments of our lord the king, hereafter to be holden, shall be chosen in every county of the realm of England, by people dwelling and resident in the same counties, whereof every one of them shall have free land or tenement to the value of forty shillings by the year, at the least, above all charges; (3) and that they which shall be so chose, shall be dwelling and resident within the same counties; (4) and such, as have the greatest number of them that may expend 40s. by year, and above, as afore is said, shall be returned by the sheriffs of every county, knights for the parliament, by indentures sealed betwixt the said sheriffs and the said choosers so to be made. (5) And every sheriff of the

7 Hen. 4. 15.

The qualifications of the electors.

What is required of the Candidates.

The sheriff
impowered to
examine the
electors upon
oath, touch-
ing their es-
tates.

Justices of as-
sises to inquire
of the return-
ing of knights
to parliament.
Penalty on the
sheriff for un-
due returns.

Knights false-
ly returned
shall lose their
wages.

realm of England, shall have power by the said authority, to examine upon the Evangelists every such chooser, how much he may expend by the year; (6) and if any sheriff return knights to come to the parliament, contrary to the said ordinance, the justices of assizes, in their sessions of assizes, shall have power by the authority aforesaid, thereof to inquire; (7) and if by inquest the same be found before the justices, and the sheriff thereof be duly attainted, that then the said sheriff shall incur the pain of 100*l.* to be paid to our lord the king, and also that he have imprisonment by a year, without being let to bail or mainprize: (8) and that the knights for the parliament, returned contrary to the said ordinance, shall lose their wages.

PROVIDED always, that he which cannot expend 40*s.* by year, as afore is said, shall in no wise be chooser of the knights for the parliament; (2) and that in every writ that shall hereafter go forth to the sheriffs to choose knights for the parliament, mention be made of the said ordinances.

ANNO 10 HENRICI VI. CAP. 2.

Certain Things required in him who shall be a Chooser of the Knights of Parliament. A. D. 1432.

"ITEM, whereas at the parliament holden at Westminster, the morrow of St. Matthew the apostle, the 8th year of the king that now is, it was ordained by the authority of the same parliament, that the knights of all counties within the realm of England, to be chosen to come to the parliament hereafter to be holden, shall be chosen in every county by people dwelling and resiant in the same, whereof every one shall have freehold to the value of 40*s.* by year, at the least, above all charges, upon a certain pain contained in the same statute; (2) not making express mention in the same, that every man that shall be chooser of any such knights shall have freehold to the value of 40*s.* at the least, above all charges, within the same county, where such chooser with other like shall make such election, or elsewhere:" (3) 'and therefore our lord the king, willing to make plain declaration of the said statute, by the advice and assent aforesaid, and at the special request of the said commons hath ordained, That the knights of all counties within the said realm, to be chosen to come to parliaments hereafter to be holden, shall be chosen in every county by people dwelling and resiant in the same, whereof every man shall have freehold to the value of 40*s.* by the year, at the least, above all charges within the same county where any such chooser will meddle of any election.

Necessity of
residence re-
pealed, 14 G.
3, c. 58.

ANNO 23^o HENRICI VI. CAP. 14.

Who shall be Knights for the Parliament. The manner of their Election. The Remedy where one is chosen and another returned. A. D. 1444.

"ITEM, whereas by authority of a parliament holden at Westminster, the first year of the reign of king Henry,

father to the king that now is, amongst other things it was ordained; that the citizens and burgesses of cities and boroughs, coming to the parliament, should be chosen men citizens and burgesses resident, abiding, and free, in the same cities and boroughs, and none other, as in the same statute more fully is contained; (2) which citizens and burgesses, and no other, have always in cities and boroughs been chosen by citizens and burgesses, and no other, and to the sheriff of the counties returned, and upon their returns received and accepted by the parliaments before this holden. (3) And also, whereas by authority of a parliament holden at Westminster, the eighth year of the reign of the king that now is, it was ordained in what manner and form the knights of the shires coming to the parliaments, from thenceforth to be holden, should be chosen, and how the sheriffs of the same counties thereupon should make their returns, as in the same statute more fully appeareth; (4) by force of which statute elections of knights to come to the parliaments sometimes have been duly made and lawfully returned, until now of late, that divers sheriffs of the counties of the realm of England, for their singular avail and lucre, have not made due elections of the knights, nor in convenient time, nor good men and true returned, and sometimes no return of the knights, citizens, and burgesses lawfully chosen to come to the parliaments; (5) but such knights, citizens, and burgesses have been returned, which were never duly chosen, and other citizens and burgesses than those which by the mayors and bailiffs were to the said sheriffs returned; (6) and sometimes the sheriffs have not returned the writs which they had to make election of knights to come to the parliaments, but the said writs have imbeciled, and moreover made no precept to the mayor and bailiff, or to the bailiffs or bailiff where no mayor is, of cities and boroughs, for the election of citizens and burgesses to come to the parliament by the colour of these words contained in the same writs, "*Quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites, et pro qualibet civitate in comitatu tuo duos cives, et pro quolibet burgo in comitatu tuo duos burgenses*;" (7) and also because sufficient penalty and convenient remedy for the party in such case grieved is not ordained in the said statutes against the sheriffs, mayors, and bailiffs, which do contrary to the form of the said statutes;" (8) the king considering the premises hath ordained by authority aforesaid, That the said statutes shall be duly kept in all points; (9) and moreover that every sheriff, after the delivery of any such writ to him made, shall make and deliver without fraud, a sufficient precept under his seal to every mayor and bailiff, or to bailiffs or bailiff where no mayor is, of the cities and boroughs within his county, reciting the said writ, commanding them by the same precept, if it be a city, to choose by citizens of the same city, citizens, and in the same manner and form if it be a borough, by the burgesses of the same, to come to the parliament: (10) And that

1 H. v. c. 1.
18 G. 2, c. 18.

8 H. vi. c. 27.

Defaults of
sheriffs in
their returns.

7 H. iv. c. 15.
1 H. vi. c. 1.
6 H. vi. c. 7.

The sheriffs
to send out
precepts to the
mayors and
bailiffs of
cities, &c. to

elect citizens,
&c. to serve
in parliament.

The penalty
on a sheriff
making an un-
due return of
a member of
parliament.

The penalty
on a mayor or
bailiff making
an undue re-
turn.

At what time
of the day the
knights for the
shire shall be
chosen.

the same mayor and bailiffs, or bailiffs or bailiff where no mayor is, shall return lawfully the precept to the same sheriffs, by indentures betwixt the same sheriffs and them to be made of the said elections, and of the names of the said citizens and burgesses by them so chosen, and thereupon every sheriff shall make a good and rightful return, of every such writ and of every return by the mayors and bailiffs, or bailiffs or bailiff where no mayor is, to him made.

(11) And that every sheriff at every time that he doth contrary to this statute, or any other statutes for the election of knights, citizens and burgesses to come to the parliament, before this time made, shall incur the pain contained in the said statute made the said 8th year, and moreover shall forfeit and pay to every person hereafter chosen knight, citizen, or burgess in his county, to come to any parliament and not duly returned, or to any other person, which in default of such knight, citizen, or burgess will sue, an 100*l.* whereof every knight, citizen, and burgess so grieved, severally, or any other person which in their default will sue, shall have his action of debt against the said sheriff, or his executors or administrators, to demand and have the said 100*l.* with his costs spent in that case.

(12) And that in such action taken by virtue of this statute the defendant shall not wage his law of the demand aforesaid in any wise, (13) and that no defendant in such action shall have any essoin. (14) And in the same manner at every time that any mayor and bailiffs, or bailiffs or bailiff where no mayor is, shall return other than those which be chosen by the citizens and burgesses of the cities or boroughs where such elections be or shall be made, shall incur and forfeit to the king 40*l.* and moreover shall forfeit and pay to every person hereafter chosen citizen or burgess to come to the parliament, and not by the same mayor and bailiff, or bailiffs or bailiff where no mayor is returned, or to any other person which in default of such citizen or burgess so chosen, will sue, 40*l.* whereof every of the citizens and burgesses so grieved severally, or any other person, which in their default will sue, shall have his action of debt against every of the said mayor and bailiffs, or bailiffs or bailiff where no mayor is, against their executors or administrators, to demand and have of every the said mayor and bailiffs, or bailiffs or bailiff where no mayor is, 40*l.* with his costs in this case expended; (15) and that in such action of debt, taken by force of this statute, no defendant in any wise shall wage his law of the said demand, nor have any essoin.

2. 'AND that every sheriff that maketh no due election of knights to come to the parliament, in convenient time, that is to say, every sheriff in his full county, betwixt the hour of 8 and the hour of 11 before noon without collusion in this behalf; (2) and that every sheriff that maketh not good and true return of such elections of knights to come to the parliament in time to come, as to them pertaineth, in manner and form aforesaid, shall forfeit to the king an 100*l.* and also shall incur the pain of an 100*l.* to be paid to

him that will sue against him, his executors or administrators, for this cause, by way of action of debt, with his costs in this behalf expended, without waging of law of his demand or having essoin as afore is said.

3. PROVIDED always, That every knight citizen, and burgess, to come to any parliament, hereafter to be holden in due form, chosen and not returned, as afore is said, shall begin his action of debt aforesaid, within 3 months after the same parliament commenced, to proceed in the same suit effectually without fraud; (2) and if he so do not, another that will sue shall have the said action of debt (as it is before said) and shall recover the same sum with his costs spent in this behalf, in manner and form aforesaid, so that no defendant in such action shall wage his law nor be essoined in any wise as afore is said; (3) and if any knight, citizens, or burgess, hereafter returned by the sheriff to come to the parliament in the manner aforesaid, after such return, be by any person put out, and another put in his place, that such person so put in the place of him which is out, if he take upon him to be knight, citizen, or burgess, at any parliament in time to come shall forfeit to the king an 100l., and an 100l. to the knight, citizen, or burgess, so returned by the sheriff, and after as afore is said put out; (4) and that the knight, citizen or burgess, which is so put out, shall have an action of debt of the same 100l. against such person put in his place, his executors or administrators; (5) provided always, That he shall begin his suit within three months after the parliament commenced; (6) and if he do not, then he that will sue shall have an action of debt of the same 100l. against him, which is put in place of him that is so put out after such return, his executors, or administrators, and that no defendant in such action, shall wage his law nor be essoined: (7) and that such process shall be in the actions aforesaid, as in a writ of trespass, done against the peace at the common law; (8) so that the knights of the shires for the parliament, hereafter to be chosen, shall be notable knights of the same counties for which they shall be chosen; or otherwise such notable esquires, gentlemen of birth of the same counties, as shall be able to be knights; (9) and no man to be such knight which standeth in the degree of a yeoman and under.'

Suits to be commenced within 3 months after the parliament begun.

The penalty if any chosen to be knight, citizen, or burgess, be put out and another put in his place.

What sort of person shall be chosen knights of the shires.

ANNO 6^o HENRICI VIII. CAP. 16.

An Act that no Knights of Shires nor Burgesses depart before the End of Parliament. A. D. 1514.

'FORASMUCH as commonly in the end of every parliament divers and many great and weighty matters, as well touching the pleasure, weal, and surety of our sovereign lord the king, as the common weal of this his realm and subjects, are to be treated, communed of, and by authority of parliament to be concluded; (2) so it is that divers knights of shires, citizens for cities, burgesses for boroughs, and barons of the cinque ports, long time before the end of the said parlia-

ment, of their own authorities, depart and go home into their countries, whereby the said great and weighty matters are many times greatly delayed; (3) in consideration whereof, be it enacted, &c. That from henceforth none of the said knights, citizens, burgesses, and barons, nor any of them that hereafter shall be elected to come or be in any parliament, do not depart from the said parliament, nor absent himself from the same, till the said parliament be fully finished, ended, or prorogued, except he or they so departing have licence of the speaker and commons, in the said parliament assembled, and the same licence be entered of record in the book of the clerk of the parliament, appointed or to be appointed for the commons house, upon pain to every of them so departing, or absenting themselves in any other manner, to lose all those sums of money which he or they should or ought to have had for his or their wages; (4) and that all the counties, cities, and boroughs, whereof any such person shall be elected, and the inhabitants of the same, shall be clearly discharged of all the said wages against the said person and persons, and their executors, for evermore.

ANNO 27^o HENRICI VIII. CAP. 26.

Concerning the Laws to be used in Wales.

A. D. 1535.

Two knights
for the shire of
Monmouth,
and one bur-
gess for the
town.

28. AND it is further enacted by the authority aforesaid, That for this present parliament, and all other parliaments to be holden and kept for this realm, two knights shall be chosen and elected to the same parliament for the shire of Monmouth, and one burgess for the borough of Monmouth, in like manner, form, and order, as knights and burgesses of the parliament to be elected and chosen in all other shires of this realm of England; (2) and that the same knights and burgesses shall have like dignity, pre-eminence, and privilege, (3) and shall be allowed such fees as other knights and burgesses of the parliament have been allowed; (4) and the knights fees to be levied, perceived, received, gathered, and paid, in such manner, form and order, as such fees be gathered, levied, perceived, received and paid, in other shires of this realm of England; (5) and the burgesses fees to be levied as well within the borough of Monmouth, as within all other ancient boroughs within the said shire of Monmouth.

Knights and
burgesses for
the parlia-
ment in Wales,
and their fees.

29. AND that for this present parliament, and all other parliaments to be holden and kept for this realm, one knight shall be chosen and elected to the same parliaments, for every of the shires of Brecknock, Radnor, Montgomery, and Denbigh, and for every other shire within the said country or dominion of Wales; (2) and for every borough, being a shire town within the said country or dominion of Wales, except the shire town of the foresaid county of Merioneth, one burgess; (3) and the election to be in like manner, form, and order, as knights and burgesses of the parliament, to be elected and chosen in other shires of this realm;

(4) and that the knights and burgesses, and every of them, shall have like dignity, pre-eminence, and privilege, and shall be allowed such fees, as other knights of the parliament have and be allowed; (5) and the knights fees to be levied and gathered of the commons of the shire that they be elected in; (6) and the burgesses fees to be levied and gathered as well of the boroughs and shire towns, as they be burgesses of, as of all other ancient boroughs within the same shires.

ANNO 34^o & 35^o HENRICI VIII. CAP. 13.

An Act for making of Knights and Burgesses within the County and City of Chester.

A. D. 1542.

'To the king our sovereign lord, in most humble wise, shewn unto your excellent majesty, the inhabitants of your grace's county palatine of Chester, That where the said county palatine of Chester is and hath been always hitherto exempt, excluded, and separated, out and from your high court of parliament to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the common-wealth of their said country: (2) and forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs, have been that have had their knights and burgesses within your said court of parliament, and yet have had neither knight nor burgess there for the said county palatine, the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the common-wealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same: (3) for remedy whereof, may it please your said highness that it may be enacted, &c. That from the end of this present session, the said county palatine [of] Chester shall have two knights for the said county palatine, and likewise two citizens to be burgesses for the city of Chester, to be elected and chosen by process to be awarded by the chancellor of England, unto the chamberlain of Chester, his lieutenant, or deputy for the time being; (4) and also like process to be made by the said chamberlain, his lieutenant or deputy, to the sheriff of the said county of Chester; (5) and the same election to be made under like manner and form to all intents, constructions, and purposes, as is used within the county palatine of Lancaster, or any other county and city within this realm of England; (6) which

The county of Chester shall have two knights for the shire, and the city of Chester two burgesses for the parliament.

said knights and burgesses, and every of them so elected and chosen, shall be returned by the said sheriff into the chancery of England in due form, and upon like pains as it is ordained that the sheriff or sheriffs of any other county within this realm should make their return in like case; (7) and which said knights and burgesses, and every of them so elected and returned, shall be knights and burgesses of the court of parliament and have like voice and authority to all intents and purposes as any other the knights and burgesses of the said court of parliament have, use, and enjoy; (8) and in likewise shall and may take all and every such like liberties, advantages, dignities, privileges, wages, fees, and commodities, concerning this said court of parliament, to all intents, constructions, and purposes, as any other the knights and burgesses of the said court shall, may, or ought to, have, take, or enjoy.

ANNO 35^o HENRICI VIII. CAP. 11.

The Bill for Knights and Burgesses in Wales, concerning the Payment of their Fees and Wages.

A. D. 1543.

‘WHERE the knights of all and every shire of this realm of England and Wales, and the burgesses of all cities, towns and boroughs of the same be named, elected, and chosen for their assembly in the king’s high court of parliament, as by ancient laudable laws and customs of this realm hath been used and accustomed, at and by the king’s majesty’s high commandments, unto the which knights and burgesses their fees and wages be assigned certainly; that is to say, to every knight by the day 4s. and to every citizen and burgess by the day 2s. or more, as heretofore hath been accustomed, (2) accounting for the same so many days as the said high court of parliament endureth, with addition thereunto of so many days as every such knight and burgess may reasonably journey and resort from their habitations or dwelling places to the said high court of parliament, and from the said high court to return to their habitations or dwelling places, together with their costs of writs, and other ordinary fees and charges; (3) which wages, fees, and charges, at all times ought to be levied and collected by the sheriffs, and by the mayors, bailiffs, and other head officers of and in the cities, boroughs, and towns aforesaid, wherein some of the said sheriffs, mayors, and bailiffs, and other head officers, have been negligent and laches, not endeavouring themselves in accomplishment of their duties in collection and payment of the same in due form, according to justice, to the great hurt, injury, and delay of the king’s said subjects.’ (4) Be it therefore enacted by the authority of this present parliament, that the sheriffs for the time being, of every of the twelve shires in Wales, and in the county of Monmouth, from the beginning of this present parliament, shall have full power and authority by force of this act to gather and levy, or cause to be gathered and levied, the said

The sheriff shall gather the wages of the knights in every county in Wales and in Monmouth.

knights fees and wages, of the inhabitants of the said twelve shires, and of the said county of Monmouth, which ought to pay the same; and the same so gathered, shall pay, or cause to be paid, to every such knight or knights, or to his or their assigns, within the term of two months after that any such knight or knights shall deliver or cause to be delivered, the king's writ *de solutione feodi militis parliamenti*, to any such sheriff; (5) and every such sheriff making default of payment of the said fees or wages, in manner and form as is aforesaid, to lose and forfeit 20*l.* whereof the one moiety to be to the king's use, and the other to his or their use that will sue for the same in any of the king's courts of record, by information, bill, or plaint, or otherwise afore any of the king's officers, wherein no essoin, protection, or wager of law shall be admitted. (6) And if it shall happen any sheriff, in any of the said twelve shires and county of Monmouth, to make default of payment of the said wages or fees by a longer term than two months, then every such sheriff to forfeit for every month that he or they shall make default 20*l.* to be forfeited and levied in manner and form as is aforesaid.

2. AND that every mayor and bailiff, and other head officers of cities, boroughs, and towns in every of the said twelve shires, and in the said county of Monmouth, within like term and space of two months after the receipt of the king's majesty's writ *de solutione feod' burgens' parliament'*, like as is before mentioned for gathering or levying of the knights fees, shall levy, gather and pay the wages and fees to their burgesses in like manner and form as is aforesaid, and in and under like pains and forfeitures, as be before mentioned to be levied of the goods and chattels of every such mayor, bailiff and other head officer to whom the king's said writ shall be directed for the levying of such fees, making default of payment of the said fees and wages to the burgesses in manner and form as is aforesaid.

The levying
of the wages of
the burgesses
of parliament.

3. AND be it further enacted, by the authority aforesaid, forasmuch as the inhabitants of all cities and boroughs in every the said twelve shires within Wales, and in the said county of Monmouth, not finding burgesses for the parliament themselves, must bear and pay the burgesses wages within the shire towns of and in every the said twelve shires in Wales, and in the said county of Monmouth, That from the beginning of the said parliament, the burgesses of all and every of the said cities, boroughs, and towns which be and shall be contributory to the payment of the burgesses wages of the said shire towns, shall be lawfully admonished by proclamation or otherwise, by the mayors, bailiffs, or other head officers of the said towns, or by one of them to come and to give their elections for the electing of the said burgesses at such time and place lawful and reasonable as shall be assigned for the same intent by the said mayors, bailiffs, and other head officers of the said shire towns, or by one of them; in which elections the burgesses shall have like voice and authority to elect, name, and choose the burgesses of every the said shire towns, like and in such man-

Who shall be
choosers of the
burgesses of
parliament in
Wales and
Monmouth.

ner as the burgesses of the said shire towns have or use.

Rating of boroughs and inhabitants for the burgesses wages.

4. PROVIDED always, that two justices of the peace in every of the shires in Wales, and in the said county of Monmouth by force of this act, shall have full power and authority indifferently to lot and tax every city, borough, and town within the shires in Wales, wherein they do inhabit, and in the said county of Monmouth, for the portions and rates that every the said cities and boroughs shall bear and pay towards the said burgesses, within the said shire towns of every of the said shires in Wales and the county of Monmouth; (2) which rates so rated and taxed in gross by the said two justices of peace as is aforesaid, shall be again rated and taxed on the inhabitants of every the said cities and boroughs, by four or six discreet and substantial burgesses of every the said cities and boroughs in Wales, thereunto named and assigned by the mayor, bailiffs or other head officers of the said cities, towns, and boroughs, for the time being, and thereupon the mayors, bailiffs, or other head officers of every such city, borough, and town, to collect and gather the same, and thereof to make payment, in manner and form as is aforesaid, to the burgesses of the parliament for the time being, within like time, and upon the like pains and forfeitures as is abovementioned.

ANNO 25^o CAROLI II. CAP. 9.

An Act to enable the County Palatine of Durham to send Knights and Burgesses to serve in Parliament.

A. D. 1672.

The county palatine of Durham to send two knights, and the city of Durham to send two burgesses to parliament.

‘ WHEREAS the inhabitants of the county palatine of Durham, have not hitherto had the liberty and privilege of electing and sending any knights and burgesses to the high court of parliament, although the inhabitants of the said county palatine are liable to all payments, rates, and subsidies granted by parliament, equally with the inhabitants of other counties, cities, and boroughs in this kingdom who have their knights and burgesses in the parliament, and are therefore concerned equally with others the inhabitants of this kingdom, to have knights and burgesses in the said high court of parliament of their own election, to represent the condition of their county, as the inhabitants of other counties, cities, and boroughs of this kingdom have;’ (2) wherefore may it please your majesty, that it may be enacted and be it enacted, &c. That from time to time, and at all times from and after the end of this present session of parliament, the said county palatine of Durham may have two knights for the same county, and the city of Durham, two citizens to be burgesses for the same city, for ever hereafter to serve in the high court of parliament; (3) to be elected and chosen by virtue of your majesty’s writ, to be awarded by the lord chancellor, or lord keeper of the great seal of England for the time being, in that behalf, to the lord bishop of Durham, or his temporal chancellor of the said county of Durham, and a precept to be thereupon

grounded, and made by the lord bishop of Durham, or his temporal chancellor for the time being, to the sheriff of the said county for the time being; (4) and the same election from time to time to be made in the manner and form following, that is to say, the elections of the knights to serve for the said county palatine from time to time hereafter to be made by the greater number of freeholders of the said county palatine of Durham, which from time to time shall present at such elections, accordingly as is used in other counties in this your majesty's kingdom; (5) and that the election of the said burgesses from time to time, to serve in the high court of parliament for the city of Durham, to be made from time to time, by the major part of the mayor, aldermen, and freemen of the said city of Durham, which from time to time shall be present at such elections; (6) which said knights and burgesses and every of them, so elected or returned, shall be returned by the said sheriff into the chancery of England, in due form, and upon the like pains as be ordained for the sheriff or sheriffs of any other county of this kingdom to make his or their returns in like cases; (7) and that the said knights and burgesses and every of them, so elected and returned, shall be by authority of this present act, knights and burgesses of the high court of parliament, to all intents and purposes, and have and use the like voice, authority, and places therein, to all intents and purposes as any other the knights and burgesses of the said court of parliament, have, use and enjoy, and likewise shall and may, by virtue of this present act, take, have, use, and enjoy all such and the like liberties, advantages, dignities and privileges concerning the said court of parliament to all intents, constructions and purposes, as any other the knights and burgesses of the said high court of parliament have taken, had used or enjoyed, or shall, may or ought hereafter to have, take, or enjoy.

How the elections are to be made.

By whom to be returned.

ANNO 30^o CAROLI II. STAT. 2. CAP. 1.

An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.

A. D. 1677.

‘FORASMUCH as divers good laws have been made for preventing the increase and danger of popery in this kingdom, which have not had the desired effects, by reason of the free access which popish recusants have had to his majesty's court, and by reason of the liberty which, of late, some of the recusant have had and taken to sit and vote in parliament.’

(3.)

2. WHEREFORE, and for the safety of his majesty's royal person and government, be it enacted, &c., That from and after the first day of December, which shall be in the year of our Lord God 1678, no person that now is or hereafter shall be a peer of this realm, or member of the house of peers, shall vote, or make his proxy in the house of peers, or sit there during any debate in the said house of peers;

For these
oaths see 1 W.
and M. sess.
1. c. 1. s. 3.
&c.
The declara-
tion.

This declara-
tion to be sub-
scribed by all
professed
Papists at
their age of 18,
by 1 Anne st.
1. c. 32. s. 7.

The time and
place of tak-
ing the oaths
and making
and subscrib-
ing the decla-
ration.

Members of
parliament
not swearing
and declaring
as aforesaid,
and recusants
convict, for-
bidden the
king's or
queen's pre-
sence.

(2) nor any person that now is or hereafter shall be a member of the house of commons, shall vote in the house of commons nor sit there during any debate in the said house of commons after the speaker is chosen; (3) until such peer or member shall, from time to time respectively, and in manner following, first take the several oaths of allegiance and supremacy, and make, subscribe, and audibly repeat this declaration following:

3. 'I, A. B. do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper, there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever; (2) and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the Mass as they are now used in the church of Rome, are superstitious and idolatrous. (3) And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any evasion, equivocation or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking, that I am or can be acquitted before God or man, or absolved, of this declaration or any part thereof, although the Pope, or any other person or persons or power whatsoever, should dispense with or annul the same, or declare that it was nul or void from the beginning.'

4. WHICH said oaths and declarations shall be in this and every succeeding parliament, solemnly and publicly made and subscribed betwixt the hours of nine in the morning and four in the afternoon, by every such peer and member of the house of peers, at the table in the middle of the said house, before he take his place in the said house of peers, and whilst a full house of peers is there with their speaker in his place; (2) and by every such member of the house of commons, at the table in the middle of the said house, and whilst a full house of commons is there duly sitting with their speaker in his chair; (3) and that the same be done in either house, in such like order or method as each house is called over by respectively.

5. AND be it further enacted, That from and after the said first day of December, every peer of this realm and member of the house of peers, and every peer of the kingdom of Scotland or of the kingdom of Ireland, being of the age of one and twenty years or upwards, not having taken the said oaths and made and subscribed the said declaration; (2) and every member of the said house of commons not having as aforesaid taken the said oaths, and made and subscribed the said declaration; (3) and every person now or hereafter convicted of Popish recusancy, (4) who hereafter

shall at any time, after the said first day of December, come advisedly into or remain in the presence of the king's majesty, or queen's majesty, or shall come into the court or house where they or any of them reside, as well during the reign of his present majesty (whose life God long preserve) as during the reigns of any of his royal successors kings or queens of England ; (5) shall incur and suffer all the pains, penalties, forfeitures, and disabilities, in this act mentioned or contained ; (6) unless such peer, member or person so convicted, do respectively, in the next term after such his coming or remaining, take the said oaths, and make and subscribe the said declaration in his majesty's high court of chancery between the hours of nine and twelve in the forenoon.

6. AND be it further enacted by the authority aforesaid, That if any person that now is, or hereafter shall be a peer of this realm, or member of the house of peers, or member of the house of commons, shall presume to do any thing contrary to this act, or shall offend in any of the cases aforesaid ; That then every such peer and member so offending, shall from thenceforth be deemed and adjudged a Popish recusant convict to all intents and purposes whatsoever ; (2) and shall forfeit and suffer as a Popish recusant convict ; (3) and shall be disabled to hold or execute any office or place of profit or trust, civil or military, in any of his majesty's realms in England or Ireland, dominion of Wales, or town of Berwick upon Tweed, or in any of his majesty's islands, or foreign plantations to the said realms belonging ; (4) and shall be disabled from thenceforth to sit or vote in either house of parliament, or make a proxy in the house of peers, (5) or to sue or use any action, bill, plaint, or information in course of law, or to prosecute any suit in any court of equity, (6) or to be guardian of any child, or executor or administrator of any person, (7) or capable of any legacy or deed of gift, (8) and shall forfeit for every wilful offence against this act, the sum of five hundred pounds to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any action of debt, suit, bill, plaint, or information in any of his majesty's courts at Westminster, wherein no essoin, protection, or wager of law shall lie.

The penalty upon members of parliament offending contrary to this act.

7. AND be it further enacted by the authority aforesaid, That from the said first day of December, it shall and may be lawful, to and for the house of peers and house of commons, or either of them respectively, as often as they or either of them shall see occasion, either in this present parliament, or any other hereafter to be holden, to order and cause all or any of the members of their respective houses of parliament, openly in their respective houses of parliament, to take the said oaths, and to make and subscribe the said declaration, at such times and in such manner as they shall appoint. (2) And if any peer shall, contrary to such order made by their said house, wilfully presume to sit therein, without taking the said oaths, and subscribing the said declaration, according to the said order, every such

Either house of parliament may cause any of their members to swear and subscribe as aforesaid.

peer or member of the house of peers, so presuming to sit, shall be adjudged, and is hereby declared, to be incapable, and disabled in law, to all intents and purposes whatsoever, to sit in the said house of peers, and give any voice therein, either by proxy or otherwise howsoever, during that parliament; (3) and if any member or members of the house of commons shall, contrary to such order made by their house, wilfully presume to sit therein, without taking the said oaths, and making and subscribing the said declaration, every such member or members of the house of commons so presuming to sit, shall be adjudged, and is hereby declared, to be incapable and disabled in law, to all intents and purposes whatsoever, to sit in the said house of commons, or give any voice therein during that parliament.

The places of members of the house of commons, disabled to vote, shall be void and writs issued out for new elections.

8. AND be it enacted, That in every case where any member or members of the house of commons shall, by virtue of this act, be disabled to sit or vote in the house of commons, then and in every such case, without any further conviction or other proceedings against such member or members, the place or places for which they or any of them were elected, be hereby declared void; (2) and a new writ or writs shall issue out of the high court of chancery by warrant or warrants from the speaker of the house of commons for the time being, and by order of the said house, for the election of a new member or members to serve in the house of commons, in the place or places of such member or members so disabled, to all intents and purposes, as if such member or members were naturally dead.

ANNO 2^o GULIELMI ET MARIE, SESS. 1. CAP. 7.

An Act to declare the Right and Freedom of Election of Members to serve in Parliament for the Cinque Ports.

A. D. 1690.

‘ WHEREAS the election of members to serve in parliament ought to be free; and whereas the late lord wardens of the cinque ports have pretended unto, and claimed as of right, a power of nominating and recommending to each of the said cinque ports, the two ancient towns, and their respective members, one person whom they ought to elect to serve as a baron or member of parliament for such respective port, ancient town, or member, contrary to the ancient usage, right and freedom of elections:’

Recommendations of members to the cinque ports void.

2. BE it therefore declared and enacted, &c., That all such nominations or recommendations were and are contrary to the laws and constitution of this realm, and for the future shall be so deemed and construed, and hereby are declared to have been, and are, void to all intents and purposes whatsoever; any pretence to the contrary notwithstanding.

ANNO 5^o GULIELMI ET MARIE, CAP. 7.

An Act for granting to their Majesties certain Rates and Duties upon Salt, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of Ten Hundred Thousand Pounds towards carrying on the War against France.

A. D. 1694.

57. PROVIDED always, and be it enacted by the authority aforesaid, that no member of the house of commons shall at any time be concerned directly or indirectly, or any other in trust for him, in the farming, collecting, or managing any of the sums of money, duties, or other aids, granted to their majesties by this act, or that hereafter shall be granted by any other act of parliament; except the commissioners of the treasury, and the officers and commissioners for managing the customs and excise, not exceeding the present number in each office, and those appointed to be commissioners for putting in execution an act, intituled, an act for granting to their majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France, as to their executing only the authority of the said act, by which they are appointed commissioners. Provided always, That Thomas Neale, esq. may be employed by their majesties as they shall think fit, in the ordering, or managing the several recompences and advantages hereby given to the contributors upon this act, any thing in this act contained to the contrary notwithstanding.

No members, except commissioners of treasury and land tax and T. Neale, to be farmers.

ANNO 5^o GULIELMI ET MARIE, CAP. 20.

An Act for granting to their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of Fifteen Hundred Thousand Pounds towards carrying on the War against France.

A. D. 1694.

33. 'AND whereas by an act of this present session of parliament, intituled, an act for granting to their majesties certain rates and duties upon salt and upon beer, ale, and other liquors, for securing certain recompences and advantages, in the said act mentioned, to such persons as shall voluntarily advance the sum of ten hundred thousand pounds towards carrying on the war against France;' it is enacted, That no member of the house of commons shall at any time be concerned in the farming, collecting, or managing any sum or sums of money, duties, or other aids, by the said act, or any other act of parliament, granted, or to be granted to their majesties, except the persons in the said act excepted; and whereas some doubts may

Members may
be concerned
in the corpo-
ration.

arise, whether any member or members of parliament may be concerned in the corporation to be erected in pursuance of this act: be it therefore declared and enacted by the authority aforesaid, That it shall and may be lawful to, and for, any member or members of the house of commons, to be a member or members of the said corporation for the purposes in this act mentioned; any thing in the said recited act contained to the contrary in any wise notwithstanding.

Officers in the
excise not to
persuade in
choice of mem-
bers.

48. AND to the end the great duties of excise, and the powers given for the collecting and levying the same, may not be employed for the influencing of elections of members to serve in parliament, which elections, by the constitution of this government, ought to be free and uncorrupt; be it enacted by the authority aforesaid, That from and after the first day of May, in the year of our Lord, 1694, no collector, supervisor, gauger, or other officer, or person whatever concerned or employed in the charging, collecting, levying, or managing the duties of excise or any branch or part thereof, shall, by word, message, or writing, or in any other manner whatsoever endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a knight of the shire, citizen, burgess, or baron of any county, city, borough, or cinque port, to serve in Parliament, and every officer or other person offending therein shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, the other moiety to the poor of the parish where such offence shall be committed, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information in any of their majesties courts of record at Westminster, in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed; and every person convict, on any such suit, of the said offence, shall thereby become disabled and incapable of ever bearing or executing any office or place concerning or relating to the duty of excise, or any other office or place of trust whatsoever under their majesties, their heirs or successors.

Penalty.

ANNO 6^o GULIELMI ET MARIE, CAP. 2.

An Act for the frequent meeting and calling of Parliaments.

A. D. 1694.

‘WHEREAS by the ancient laws and statutes of this kingdom frequent parliaments ought to be held; and whereas frequent and new parliaments tend very much to the happy union and good agreement of the king and people; We your majesties most loyal and obedient subjects, the lords spiritual and temporal and commons in this present parliament assembled, do most humbly beseech your most excellent majesties that it may be declared and enacted in this present parliament; and it is hereby declared and

enacted, &c. That from henceforth a parliament shall be holden once in three years at the least.

2. And be it further enacted by the authority aforesaid, That within three years at the farthest, from and after the dissolution of this present parliament, and so from time to time for ever hereafter, within three years at the farthest, from and after the determination of every other parliament, legal writs under the great seal shall be issued by directions of your majesties, your heirs and successors, for calling, assembling, and holding another new parliament.

3. And be it further enacted by the authority aforesaid, That from henceforth no parliament whatsoever, that shall at any time hereafter be called, assembled, or held, shall have any continuance longer than for three years only at the farthest, to be accounted from the day on which, by the writs of summons, the said parliament shall be appointed to meet.

4. And be it further enacted by the authority aforesaid, That this present parliament shall cease and determine on the first day of November, which shall be in the year of our Lord 1696, unless their majesties shall think fit to dissolve it sooner.

Parliament to be held once in three years.
4 Ed. 3, c. 14.
36 Ed. 3, c. 10.
16 Car. 2, c. 1.
1 W. M. s. 2, c. 2.
By 1 G. 1, stat. 2, c. 38. Parliaments are to continue for seven years. Writs to be issued out once in three years.

No parliament to last longer than three years.

Present parliament to cease 1st of November, 1696.

ANNO 7 GULIELMI III. CAP. 4.

An Act for preventing Charge and Expence in Elections of Members to serve in Parliament.

A. D. 1695.

‘WHEREAS grievous complaints are made, and manifestly appear to be true in the kingdom, of undue election of members to parliament by excessive and exorbitant expences, contrary to the laws and in violation of the freedoms due to the election of representatives for the commons of England in parliament, to the great scandal of the kingdom, dishonourable, and may be destructive to the constitution of parliaments: wherefore, for remedy therein, and that all elections of members to parliament may be hereafter freely and indifferently made without charge or expence;’ be it enacted, and declared, &c.

That no person or persons hereafter to be elected to serve in parliament for any county, city, town, borough, port, or place within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, after the teste of the writ of summons to Parliament, or after the teste or the issuing out or ordering of the writ or writs of election upon the calling or summoning of any parliament hereafter, or after any such place becomes vacant hereafter in the time of this present or any other parliament, shall or do hereafter, by himself or themselves, or by any other ways or means on his or their behalf, or at his or their charge, before his or their election to serve in parliament for any county, city, town, borough, port, or place within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, directly or indirectly give, present,

Candidates, after the teste of the writ, &c. not to give or promise any present or reward to any person having vote, for being so elected.

or allow, to any person or persons having voice or vote in such election, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, or entertainment, or shall at any time hereafter, make any promise, agreement, obligation or engagement to give or allow any money, meat, drink, provision, present, reward, or entertainment, to or for any such person or persons in particular, or to any such county, city, town, borough, port, or place in general, or to or for the use, advantage benefit, employment, profit, or preferment of any such person or persons, place or places, in order to be elected, or for being elected, to serve in parliament for such county, city, borough, town, port, or place.

Not to serve
in parlia-
ment.

2. AND it is hereby further enacted and declared, That every person and persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and are hereby declared and enacted, disabled and incapacitated, upon such election to serve in parliament for such county, city, town, borough, port, or place; and that such person or persons shall be deemed and taken, no members in parliament, and shall not act, sit, or have any vote or place in parliament, but shall be, and are hereby declared and enacted to be, to all intents, constructions, and purposes, as if they had been never returned or elected members for the parliament.

ANNO 7^o ET 8^o GULIELMI III. CAP. 7.

An Act to prevent false and double Returns of Members to serve in Parliament.
A.D. 1696.

Continued by
12 and 13 W.
3, c. 5, and
made perpe-
tual by 12
Ann. stat. 1,
c. 15.

False returns
of members
prohibited.

What shall be
a false return.

Party grieved
may sue in
any court at
Westminster,
and recover
double da-
mages.

‘ WHEREAS false and double returns of members to serve in parliament are an abuse of trust in a matter of the greatest consequence to the kingdom, and not only an injury to the persons duly chosen, by keeping them from their service in the house of commons, and putting them to great expence to make their elections appear, but also to the counties, cities, boroughs, and cinque ports, by which they are chosen, and the business of parliament disturbed and delayed thereby:’ be it therefore enacted and declared, &c. That all false returns, wilfully made, of any knight of the shire, citizen, burgess, baron of the cinque ports, or other member to serve in parliament, are against law, and are hereby prohibited, and in case that any person or persons shall return any member to serve in parliament for any county, city, borough, cinque port, or place, contrary to the last determination in the house of commons, of the right of election in such county, city, borough, cinque port, or place, that such return, so made, shall, and is hereby adjudged to be, a false return.

2. AND be it further enacted, That the party grieved, to wit, every person that shall be duly elected to serve in parliament for any county, city, borough, cinque port, or place, by such false return, may sue the officers and persons making or procuring the same, and every or any of

them, at his election, in any of his majesty's courts of record at Westminster, and shall recover double the damages he shall sustain by reason thereof, together with Lutwich, 184. his full costs of such suit.

3. AND to the end the law may not be eluded by double returns, be it further enacted, That if any officer shall wilfully, falsely, and maliciously return more persons than are required to be chosen by the writ or precept on which any choice is made, the like remedy may be had, against him or them, and the party or parties that willingly procure the same, and every or any of them, by the party grieved, at his election.

Like remedy against officer returning more persons than required. 2 Geo. 2, c. 24.

4. AND be it further enacted, That all contracts, promises, bonds, and securities whatsoever hereafter made or given, to procure any return of any member to serve in parliament, or any thing relating thereunto, be adjudged void; and that whoever makes or gives such contract, security, promise, or bond, or any gift or reward, to procure such false or double returns, shall forfeit the sum of Contracts made to procure returns void. three hundred pounds, one third part thereof to be to his majesty, his heirs and successors, another third part thereof to the peer of the county, city, borough, or place concerned, and one third part thereof to the informer, with his costs, to be recovered in any of his majesty's courts of record at Westminster, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance. Penalty.

5. AND for the more easy and better proof of any such false or double return, be it enacted by the authority aforesaid, That the clerk of the crown for the time being shall from time to time enter, or cause to be entered, in a book for that purpose to be kept in his office, every single and double return of any member or members to serve in parliament which shall be returned or come into this office, or to his hands, and also every alteration and amendment as shall be made by him or his deputy in every such return; to which book all persons shall have free access at all reasonable times, to search and take true copies of so much thereof as shall be desired, paying a reasonable fee or reward for the same: and that the party or parties prosecuting such suit, shall and may at any trial give in evidence such book so kept, or a true copy thereof, relating to such false or double return, and shall have the like advantages of such proof, as he or they should or might have had by producing the record itself; any law, custom, or usage to the contrary notwithstanding; and in case the said clerk of the crown shall not, within six days after any return shall come into his office or to his hands, duly and fairly make an entry or entries as aforesaid, or shall make any alteration in any return, unless by order of the house of commons, or give any certificate of any person not returned, or shall wilfully neglect or omit to perform his duty in the premises, he shall for every such offence forfeit to the party and parties aggrieved the sum of five hundred pounds to be recovered as aforesaid, and shall also forfeit

Clerk of the crown to enter every return, and amendment.

All persons to have access to the book, and the book or a copy may be given in evidence.

Clerk not entering returns in 6 days after receipt, making any alteration, or omitting to perform his duty, to forfeit 500*l.* and lose his office.

and lose his said office, and be for ever incapable of having or holding the same.

Information to be within two years.

6. PROVIDED always that every information or action, grounded upon this statute, shall be brought within the space of two years after the cause of action shall arise and not after.

Act to continue for seven years. Made perpetual by 12 Anna, stat. 1, c. 15.

7. PROVIDED also, and be it enacted by the authority aforesaid, that this act shall continue for the term of seven years, and from thence to the end of the next session of parliament, and no longer.

ANNO 7 ET 8 GULIELMI III. Cap. 25.

Vide 6 Geo. 2, c. 23.

An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs and other officers, in the electing and returning such Members. A. D. 1696.

Forty days between the teste and return of the writ.

Writ to be issued out with all expedition, and delivered to the proper officer, who is to indorse the day when received, and make out the precept.

Precept to be delivered in 3 days after receipt of the writ. Officer to indorse the day of receipt, and give notice of the time of election in 8 days after.

‘ WHEREAS by the evil practices and irregular proceeding of sheriffs, under sheriffs, mayors, bailiffs, and other officers, in the execution of writs and precepts for electing of members to serve in parliament, as well the freeholders and others in their right of election, as also the persons by them elected to be their representatives, have heretofore been greatly injured and abused;’ Now, for remedying the same and preventing the like for the future, be it enacted, &c. That when any new parliament shall at any time hereafter be summoned or called, there shall be forty days between the teste and returns of the writs of summons; and that the lord chancellor, lord keeper, or lords commissioners of the great seal for the time being, shall issue out the writs for election of members to serve in the same parliament, with as much expedition as the same may be done; and that, as well upon the calling or summoning any new parliament, as also in case of any vacancy during this present or any future parliament, the several writs shall be delivered to the proper officer to whom the execution thereof doth belong or appertain, and to no other person whatsoever; and that every such officer, upon the receipt of the same writ, shall upon the back thereof indorse the day he received the same, and shall forthwith, upon receipt of the writ, make out the precept or precepts to each borough, town corporate, port or place within his jurisdiction, where any member or members are to be elected to serve in such new parliament, or to supply any vacancy during the present or any future parliament, and within three days after the receipt of the said writ of election, shall by himself, or proper agent, deliver, or cause to be delivered, such precept or precepts to the proper officer of every such borough, town corporate, port or place within his jurisdiction, to whom the execution of such precept doth belong or appertain, and to no other person whatsoever; and every such officer upon the back of the same precept, shall indorse the day of his receipt thereof, in the presence of the party from whom he re-

ceived such precept, and shall forthwith cause public notice to be given of the time and place of election, and shall proceed to election thereupon, within the space of eight days next after his receipt of the same precept, and give *four days notice at least* of the day appointed for the election.

2. AND be it further enacted by the authority aforesaid, That neither the sheriff nor his under sheriff in any county, or city, nor the mayor, bailiff, constable, portreeve, or other officer or officers of any borough, town corporate, port or place, to whom the execution of any writ or precept for electing members to serve in parliament doth belong or appertain, shall give, pay, receive, or take any fee, reward, or gratuity whatsoever, for the making out receipt, delivery, return or execution of any such writ or precept.

Sheriff, &c. not to give or take any fee for making out receipt, &c. of any writ or precept.

3. AND be it further enacted by the authority aforesaid, That upon every election to be made of any knight or knights of the shire to serve in this present or any future parliament, the sheriff of the county where such election shall be made shall hold his county court for the same election at the *most public and usual place of election* within the same county, and where the same has most usually been for forty years last past, and shall there proceed to election at the next county court, unless the same fall out to be held within six days after the receipt of the writ, or upon the same day, and then shall adjourn the same court to some convenient day, giving ten days notice of the time and place of election; and in case the said election be not determined upon the view, with the consent of the freeholders there present, but that a poll shall be required for determination thereof, [then the said sheriff, or in his absence his under sheriff, with such others as shall be deputed by him, shall forthwith there proceed to take the said poll in some open or public place or places, by the same sheriff, or his under sheriff as aforesaid in his absence, or others appointed for the taking thereof as aforesaid;] and for the more due and orderly proceeding in the said poll, the said sheriff, or in his absence his under sheriff, or such as he shall depute, shall appoint such number of clerks as to him shall seem meet and convenient for taking thereof; which clerks shall all take the said poll, in the presence of the said sheriff or his under sheriff, or such as he shall depute; and before they begin to take the said poll, every clerk so appointed shall by the said sheriff, or his under sheriff as aforesaid, be sworn truly and indifferently to take the same poll, and to set down the names of each freeholder, and the place of his freehold, and for whom he shall poll, and to poll no freeholder who is not sworn, if so required by the candidates or any of them, (which oath of the said clerks, the said sheriff, or his under sheriff, or such as he shall depute, are hereby empowered to administer) and the sheriff, or in his absence his under sheriff, as aforesaid, shall appoint for each candidate such one person as shall be nominated to him by each candidate, to be inspectors of every clerk who shall

County court to be held at the usual place, and proceed to election, unless it fall out in 6 days after receipt of the writ.

Sheriff, &c. to take the poll if required, and to appoint a number of clerks, who are to be sworn.

Name of each freeholder to be set down and for whom he polls, and a person for each candidate to inspect the clerks.

Freeholder to be sworn.

be appointed for taking the poll; [and every freeholder before he is admitted to poll at the same election, shall, if required,] by the candidates or any of them, first take the oath herein-after mentioned; which oath the said sheriff, by himself or his under sheriff, or such sworn clerks by him appointed for taking of the said poll as aforesaid, are hereby authorized to administer, viz.] (Another oath is appointed by 18 G. 2, c. 18.)

Sheriff not to adjourn the court, unless the candidates consent.

5. AND be it further enacted by the authority aforesaid, That the said sheriff, or in his absence his under sheriff, or such as he shall depute as aforesaid, shall at the same place of election proceed to the polling all the freeholders then and there present, and shall not adjourn the county court then and there held, to any other town or place within the same county, without the consent of the candidates, nor shall, by any unnecessary adjournment in the same place of election, protract or delay the election; but shall duly and orderly proceed in the taking of the said poll, from day to day and time to time, without any further or other adjournment, without the consent of the candidates, until all the freeholders then and there present shall be polled, and no longer.

Copy of the poll to be delivered if desired; paying for writing.

6. AND be it further enacted, That every sheriff, under sheriff, mayor, bailiff, and other officer to whom the execution of any writ or precept shall belong for the electing of members to serve in parliament, shall forthwith deliver to such person or persons as shall desire the same, a copy of the poll taken at such election, paying only a reasonable charge for writing the same, and every sheriff, under sheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept for electing of members to serve in parliament doth belong, for every wilful offence contrary to this act, shall forfeit to every party so aggrieved, the sum of five hundred pounds to be recovered by him or them, his or their executors or administrators, together with full costs of suit, and for which he or they may sue by action of debt, bill, plaint, or information, in any of his majesty's courts at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance shall be admitted or allowed.

None to vote by reason of trust, &c. unless in actual possession, but mortgagor may vote.

7. AND be it also enacted, That no person or persons shall be allowed to have any vote in election of members to serve in parliament, for or by reason of any trust, estate, or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate; but that the mortgagor, or *cetui que trust*, in possession, shall and may vote for the same estate, notwithstanding such mortgage or trust; and that all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port or place, in order to multiply voices, or to split and divide the interest in any houses or lands among several persons, to enable them to vote at elections of members to serve in parliament, are hereby declared to be void and of none effect, and that no more than one single voice shall be admitted to one and the same house or tenement.

Conveyance in order to multiply voices void.

By 10 Anne, c. 23. s. 1. All conveyances to qualify persons for voting are made absolute. But one voice for one house.

8. AND be it further enacted, That no person whatsoever, being under the age of one and twenty years, shall at any time hereafter be admitted to give his voice for election of any member or members, to serve in this present or any future parliament; and that no person hereafter shall be capable of being elected a member to serve in this or any future parliament, who is not of the age of one and twenty years; and every election, or return of any person under that age is hereby declared to be null and void, and if any such minor hereafter chosen, shall presume to sit or vote in parliament, he shall incur such penalties and forfeitures, as if he had presumed to sit and vote in parliament without being chosen or returned.

None under twenty-one years to vote, or to be elected members.

Penalty.

9. AND whereas the county court of the county of York is by custom called and held upon *Mondays*, which hath long been complained of to be a very inconvenient day to all the suitors thereunto, who at the elections of knights of the shire and all services at other times, are forced to travel upon Sundays to their attendance there, to their very great dissatisfaction and grievance.

Be it therefore enacted by the authority aforesaid, That all county courts after the 25th March, 1696, held for the county of York, or any other county courts which heretofore used to be held on a Monday, shall be called and begun upon a Wednesday and not otherwise, any custom or usage to the contrary notwithstanding.

County courts for York to be held on Wednesday.

10. PROVIDED also, and be it enacted by the authority aforesaid, that the sheriff of the county of *Southampton*, or his deputy at the request of one or more of the candidates for election of a knight or knights for that county, shall adjourn the poll from *Winchester*, after every freeholder then and there present is polled, to *Newport* in the *Isle of Wight*, for the ease of the inhabitants of the said island; any thing in this act contained to the contrary notwithstanding.

Poll may be adjourned from Winchester to Newport in the Isle of Wight.

ANNO 10^o ET 11^o GULIELMI III. CAP. 7.

An Act for preventing irregular Proceedings of Sheriffs, and other Officers, in making the Returns of Members chosen to serve in Parliament. A. D. 1699.

FOR preventing abuses in the returns of writs of summons, for the calling and assembling of any parliament for the future, or writs for the choice of any new member to serve in parliament, and to the end such writs may, by the proper officer or his deputy, be duly returned and delivered to the clerk of the crown, to be by him filed according to the ancient and legal course; be it enacted, &c. That the sheriff, or other officer having the execution and return of any such writ which shall be issued for the future, shall, on or before the day that any future parliament shall be called to meet, and with all convenient expedition, not exceeding fourteen days after any election made by virtue of any new writ, either in person or by his deputy, make return of the

Writ when returnable.

Sheriff on re-
turn of writ to
pay the an-
cient fees, &c.
and charge the
same to the
king.

same to the clerk of the crown in the high court of chan-
cery, to be by him filed; and the sheriff, or other person
making such return, shall pay to the said clerk of the
crown the ancient and lawful fees of four shillings, and no
more, for every knight of a shire, and two shillings, and no
more, for every citizen, burgess, or baron of the cinque
ports, returned into the said court to be by him filed; and
the said sheriff or officer shall by virtue of this act, charge
the same to his majesty, his heirs or successors, and have
allowance thereof in his account in the exchequer or else-
where.

7 and 8 W. 3.
c. 25.

2. AND whereas by an act made in the 7th and 8th years
of the reign of his present majesty, intituled, An act for the
further regulating election of members to serve in parlia-
ment, and for the preventing irregular proceedings of she-
riffs and other officers, in the electing and returning such
members, it is provided and enacted, That the officer, on
the receipt of any such writ, shall, within three days after
such his receipt, by himself or proper agent, deliver or cause
to be delivered, a precept or precepts to the proper officer of
every borough, town corporate, port, or place within his
jurisdiction, to whom the execution of such precept doth
belong or appertain, which by experience hath been found
too short a time for the performance of the same, in the
cinque ports; be it therefore enacted, by the authority
aforesaid, That from henceforth the proper officer of the
cinque ports, shall be allowed six days from the receipt of
such writ, for the delivery of the precept, according to the
purport of the said act, any thing in the said act or any
other law, statute, or usage, to the contrary in any wise
notwithstanding.

Officer of the
cinque ports
allowed six
days from re-
ceipt of writ.

Penalty on
sheriff, &c. not
making re-
turn.

3. AND it is further enacted by the authority aforesaid,
That every sheriff or other officer, or officers aforesaid, who
shall not make the returns according to the true intent and
meaning of this act, shall forfeit for every such offence the
sum of five hundred pounds, one moiety whereof shall be to
his majesty, and the other moiety to him or them that shall
sue for the same, to be recovered by action of debt, bill,
plaint, or information, in any of his majesty's courts of re-
cord at Westminster, wherein no essoin, protection, privi-
lege, or wager of law shall be allowed, nor any more than
one imparlance.

ANNO 11^o & 12^o GULIELMI III. CAP. 2.

*An Act for granting an Aid to his Majesty by Sale of the for-
feited and other Estates and Interests in Ireland, and by a
Land-tax in England, for the several Purposes therein men-
tioned.*
A. D. 1700.

No member of
parliament
shall, after
24th June, -
1700, be a
commissioner
or farmer of

150. AND be it enacted by the authority aforesaid,
That no member of the house of commons in this present
or any future parliament, during the time of his being
a member of parliament, shall, from and after the said four
and twentieth day of June, 1700, be capable of being a

commissioner or farmer of the duty of excise upon beer, ale and other liquors, or of being a commissioner for determining appeals concerning the said duty, or controuling or auditing the account of the said duty, or of holding or enjoying in his own name, or in the name of any other person in trust for him, or for his use and benefit, or of executing by himself or his deputy any office, place, or employment, touching or concerning the farming, collecting, or managing the said duty of excise.

the excise, or a commissioner of appeals, or comptroller, or auditor of the said duty.

151. AND be it further enacted, That if any member of the house of commons, in this present, or any future parliament, during the time of his being a member of parliament, shall at any time after the said four and twentieth day of June, by himself or his deputy or any other in trust for him, or for his benefit, take, enjoy, or execute, any office, place or employment, touching or concerning the farming, managing, or collecting the said duty of excise, or determining appeals concerning the said duty, or controuling or auditing the accounts of the same, such person is hereby declared and enacted, to be absolutely incapable of sitting, voting, or acting as a member in the house of commons in such parliament.

Such persons incapable of sitting in the house of commons.

152. PROVIDED always, and be it hereby declared, That nothing herein-before contained shall extend, or be construed to extend (during the continuance of this parliament) to the disabling any person, at present a member of the house of commons, from being concerned in the managing, farming, or collecting the said duties of excise, or in determining appeals concerning the same, or in controuling or auditing the accounts thereof, so as such person shall not after the said twenty-fourth day of June, 1700, sit, vote, or act in the said house; any thing herein-before contained to the contrary notwithstanding.

But not to disable any present member, till after 24th June.

ANNO 12^o & 13^o GULIELMI III. CAP. 3.

An Act for preventing any Inconveniencies that may happen by Privilege of Parliament. A. D. 1700.

FOR the preventing all delays the king or his subjects may receive in any of his courts of law or equity, and for their ease in the recovery of their rights and titles to any lands, tenements, or hereditaments, and their debts or other dues for which they have cause of suit or action: Be it enacted, &c., That from and after the four and twentieth day of June, 1701, any person and persons shall and may commence and prosecute any action or suit in any of his majesty's courts of record at Westminster, or high court of chancery, or court of exchequer, or the dutchy court of Lancaster, or in the court of admiralty, and in all causes matrimonial and testamentary in the court of arches, the prerogative courts of Canterbury and York, and the delegates, and all courts of appeal, against any peer of this realm, or lord of parliament, or against any of the knights, citizens, and burgesses of the house of commons for the time being,

Amended by 11 Geo. 2. c. 24.

Action may be commenced against peer or member of parliament, &c. in the interval of parliament, &c.

And after prorogation, &c. court may give judgment.

Person may have process against peer, &c. after dissolution of parliament.

And may exhibit bill against any peer or member, &c.

or against their or any of their menial or other servants, or any other person entitled to the privilege of parliament, at any time from and immediately after the dissolution or prorogation of any parliament, until a new parliament shall meet, or the same be re-assembled, and from and immediately after any adjournment of both houses of parliament for above the space of fourteen days, until both houses shall meet or re-assemble; and that the said respective courts shall and may, after such dissolution, prorogation, or adjournment as aforesaid, proceed to give judgment, and to make final orders, decrees, and sentences, and award execution thereupon; any privilege of parliament to the contrary notwithstanding.

2. PROVIDED nevertheless, That this act shall not extend to subject the person of any of the knights, citizens, and burgesses of the house of commons, or any other person entitled to the privilege of parliament, to be arrested during the time of privilege. Nevertheless, if any person, or persons, having cause of action, or complaint against any peer of this realm, or lord of parliament, such person, or persons, after any dissolution, prorogation, or adjournment as aforesaid, or before any session of parliament, or meeting of both houses as aforesaid, shall and may have such process out of his majesty's courts of king's bench, common pleas, and exchequer, against such peer, or lord of parliament, as he or they might have had against him out of the time of privilege; and if any person or persons having cause of action against any of the said knights, citizens, or burgesses, or any other person entitled to privilege of parliament, after any dissolution, prorogation, or such adjournment as aforesaid, or before any sessions of parliament, or meeting of both houses as aforesaid, such person or persons shall and may prosecute such knight, citizen, or burgess, or other person entitled to the privilege of parliament, in his majesty's courts of king's bench, common pleas, or exchequer, by summons and distress infinite, or by original bill and summons, attachment and distress infinite thereupon to be issued out of any of the said courts of record, which the said respective courts are hereby empowered to issue against them, or any of them, until he or they shall enter a common appearance, or file common bail to the plaintiff's action, according to the course of each respective court, and any person or persons having cause of suit or complaint, may, in the times aforesaid, exhibit any bill or complaint against any peer of this realm, or lord of parliament, or against any of the said knights, citizens, or burgesses, or other person entitled to the privilege of parliament, in the high court of chancery, court of exchequer, or dutchy court of Lancaster, and may proceed thereon by letter or *subpena* as is usual, and upon leaving a copy of the bill with the defendant, or at his house or lodging, or last place of abode, may proceed thereon, and, for want of an appearance or answer, or for non-performance of any order or decree, or breach thereof, may sequester the real and personal estate of the party, as is used and practised

where the defendant is a peer of this realm, but shall not arrest or imprison the body of any of the said knights, citizens, and burgesses, or other privileged person, during the continuance of privilege of parliament.

And sequester the party's estate, but not; arrest his body.

3. AND be it enacted by the authority aforesaid, That where any plaintiff shall, by reason or occasion of privilege of parliament, be stayed or prevented prosecuting any suit by him commenced, such plaintiff shall not be barred by any statute of limitation, or nonsuited, dismissed, or his suit discontinued, for want of prosecution of the suit by him begun; but shall from time to time, upon the rising of the parliament, be at liberty to proceed to judgment and execution.

Plaintiff prevented from prosecuting by privilege of parliament, not to be barred by any statute of limitation, &c.

4. AND it is hereby enacted, That no action, suit, process, order, judgment, decree, or proceeding in law or equity against the king's original and immediate debtor, for the recovery or obtaining any debt or duty originally and immediately due or payable unto his majesty, his heirs or successors, or against any accountant, or person answerable or liable to render any account unto his majesty, his heirs or successors, for any part or branch of any of his or their revenues, or other original or immediate debt or duty, or the execution of any such process, order, judgment, decree, or proceedings, shall be impeached, stayed, or delayed, by or under the colour or pretence of any privilege of parliament; yet so, nevertheless, that the person or persons of any such debtor, or accountant, or person answerable or liable to account, being a peer of this realm or lord of parliament, shall not be liable to be arrested or imprisoned by or upon any such suit, order, judgment, decree, process, or proceedings, or being a member of the house of commons, shall not, during the continuance of the privilege of parliament, be arrested or imprisoned, by or upon any such order, judgment, decree, process, or proceedings.

No action, &c. against the king's immediate debtor, &c.

Shall be stayed by privilege of parliament; but person not liable to be arrested, &c.

5. PROVIDED nevertheless, That neither this act, nor any thing therein contained, shall extend to give any jurisdiction, power, or authority, to any court, to hold plea in any real or mixed action in any other manner than such court might have done before the making this act.

Proviso.

ANNO 12^o ET 13^o GULIELMI III. CAP. 10.

An Act for granting an Aid to his Majesty, for defraying the Expence of his Navy, Guards, and Garrisons for one year, and for other necessary Occasions. A. D. 1700.

89. AND be it enacted by the authority aforesaid, That no member of the house of commons, from and after the dissolution of this present parliament, shall be capable of being a commissioner, or farmer of the customs, or of holding, or enjoying in his own name, or in the name of any other person in trust for him, or for his use or benefit, or of executing by himself, or his deputy, any office, place, or employment, touching or concerning the farming, collecting, or managing the customs.

After dissolution of this parliament, no member shall be a commissioner, &c. of customs.

Member executing office in custom incapable of sitting.

90. And be it further enacted, That if any member of the house of commons, from and after the dissolution of this present parliament, shall, during the time of his being a member of parliament, by himself, or his deputy, or any other in trust for him, or for his benefit, take, enjoy, or execute any office, place, or employment, touching or concerning the farming, managing, or collecting the customs; such person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a member of the house of commons in such parliament.

No officer of the customs to influence any election of members.

91. AND be it further enacted, by the authority aforesaid, That from and after the 29th day of September, 1701, no commissioner, collector, comptroller, searcher, or other officer, or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, shall by word, message, or writing, or in any other manner whatsoever, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a knight of the shire, citizen, Burgess, or baron, of any county, city, borough, or cinque port, to serve in parliament; and every officer, or other person offending therein, shall forfeit the sum of 100*l*. one moiety thereof to the informer, the other moiety to the poor of the parish where such offence shall be committed, to be recovered by any person that shall sue for the same by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, in which no essoin, protection, or wager of law, or more than one imparlance shall be allowed; and every person convict on any such suit of the said offence, shall thereby become disabled and incapable of ever bearing, or executing any office, or place concerning or relating to the customs, or any other office, or place of trust whatsoever under his majesty, his heirs, or successors.

Penalty.

ANNO 2^o ET 3^o ANNE REGINÆ, CAP. 18.

An Act for the further Explanation and Regulation of Privilege of Parliament in relation to Persons in public Offices.

A. D. 1703.

12 & 13 W. 3.
c. 3.

' WHEREAS it is most just and reasonable that persons employed in offices and places of public trust, should at all times be accountable for any misdemeanors therein, and the public justice of the realm requireth a vigorous prosecution of such offenders: to the end therefore that your majesty's good subjects may not lie under any doubts or discouragements whereby such prosecutions might be prevented or delayed, may it please your most excellent majesty that it may be enacted, and be it enacted, That any action or suit shall and may be commenced and prosecuted in any of her majesty's courts at Westminster, against any officer or person entrusted or employed in the revenue of her majesty, her heirs or successors, or any part or branch thereof,

Action may be prosecuted against any officer of the revenue or any other place of public trust for any misdemeanor, &c.

or any other office or place of public trust, for any forfeiture, misdemeanor, or breach of trust, of, in, or relating to such office or place of trust, or any penalty imposed by law to enforce the due execution thereof, and that no such action, suit, or any other process, proceeding, judgment, or execution thereupon, although such officer or person shall be a peer of this realm, or lord of parliament or one of the knights, citizens, or burgesses of the house of commons, or otherwise entitled to the privilege of parliaments, shall be impeached, stayed, or delayed, by or under colour, or pretence of any privilege of parliament.

No such action to be stayed on pretence of privilege of parliament.

2. Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act shall extend to subject the person of such officer, being a peer of this realm, or lord of parliament, to be arrested or imprisoned, but that all process shall issue against such officer or person, being a peer of this realm, or lord of parliament, as should have issued against him out of the time of privilege. Nor shall extend to subject the person of such officer, being a knight, citizen, or burgess of the house of commons, to be arrested or imprisoned, during the time of privilege of parliament, and that against such officer or other person, being a knight, citizen, or burgess of the house of commons entitled to privilege, shall be issued summons, and distress infinite or original bill, summons, attachment, and distress infinite, which the said respective courts are hereby empowered to issue in such case, until the party shall appear upon such process according to the course of such respective court.

Act not to subject the person of peer to imprisonment.

Nor member of the house of commons.

ANNO 6^o ANNE REGINÆ, CAP. 7.

An Act for the Security of her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line. A. D. 1707.

Sect. 4. AND be it further enacted by the authority aforesaid, That this present parliament, or any other parliament which shall hereafter be summoned and called by her Majesty Queen Ann, her heirs or successors, shall not be determined or dissolved by the death or demise of her said Majesty, her heirs or successors; but such parliament shall and is hereby enacted to continue, and is hereby empowered and required, if sitting at the time of such demise, immediately to proceed to act, notwithstanding such death or demise, for and during the term of six months, and no longer, unless the same be sooner prorogued or dissolved by such person to whom the crown of this realm of Great Britain shall come, remain, and be, according to the acts for limiting and settling the succession, and for the union above-mentioned; and if the said parliament shall be prorogued, then it shall meet and sit on and upon the day unto which it shall be prorogued, and continue for the residue of the said

Parliament not to be dissolved by queen's death.

But continue for six months after.

time of six months unless sooner prorogued or dissolved as aforesaid.

Parliament to meet immediately after death.

Sect. 5. AND be it further enacted by the authority aforesaid, That if there be a parliament in being at the time of the death of her Majesty, her heirs or successors, but the same happens to be separated by adjournment or prorogation, such parliament shall, immediately after such demise, meet, convene, and sit, and shall act, notwithstanding such death or demise, for and during the time of six months, and no longer, unless the same shall be sooner prorogued or dissolved, as aforesaid.

In case there be no parliament then the last preceding to meet.

Sect. 6. And be it further enacted by the authority aforesaid, That in case there is no parliament in being at the time of such demise that hath met and sat, then the last preceding parliament shall immediately convene, and sit at Westminster, and be a parliament, to continue as aforesaid, to all intents and purposes, as if the same parliament had never been dissolved, but subject to be prorogued and dissolved as aforesaid.

Not to abridge queen's power to prorogue or dissolve parliaments.

6 W. and M. c. 2. to extend to the parliament of Great Britain.

Sect. 7. PROVIDED always, and it is hereby declared, That nothing in this act contained shall extend, or be construed to extend, to alter or abridge the power of the queen, her heirs or successors, to prorogue or dissolve parliaments, nor to repeal or make void one act of parliament made in England in the 6th year of the reign of their said late majesties, king William and Queen Mary, intituled, An act for the frequent meeting and calling of parliaments; but that the said act shall continue in force in every thing that is not contrary to, or inconsistent with, the direction of this act, and the said act for the frequent meeting and calling of parliaments, is hereby declared and enacted to extend to the parliament of Great Britain, as fully and effectually, to all intents, constructions, and purposes, as if the same were herein and hereby particularly recited and enacted.

Nomination of lords justices by successor already made to be as effectual as if appointed by this act.

Sect. 16. AND be it further enacted by the authority aforesaid, That any nomination and appointment already made by the next successor, signified by such instruments deposited as aforesaid, pursuant to the said former act, for the better security of her majesty's person and government, and of the succession to the crown of England in the protestant line, shall be deemed and taken to be as effectual, for constituting and appointing the persons so nominated lords justices of England, to be lords justices of Great Britain, to all intents, constructions and purposes, as if such nomination and appointment were made pursuant to this act.

Lords justices not to dissolve parliament without direction.

Sect. 17. AND be it further enacted, That the said lords justices, constituted as aforesaid, shall not dissolve the parliament continued and ordered to assemble and sit as aforesaid, without express direction from such succeeding queen or king; and that the said lords justices shall be, and are, hereby restrained and disabled from giving the royal assent in parliament to any bill or bills for the repealing or altering the act made in England in the 13th and 14th years of the reign of King Charles the second, intituled,

Not alter 13 and 14 Car. 2. c. 4.

An act for the uniformity of public prayers and administration of sacraments, and other rites and ceremonies; and for establishing the form for making, ordaining, and consecrating bishops, priests, and deacons, in the church of England; or the act made in Scotland in the last session of parliament there, intituled, An act for securing the protestant religion and presbyterian church government; and all and every the said lords justices concurring in giving the royal assent to any bill or bills for repealing or altering the said acts, or either of them, shall be guilty of high treason, and suffer and forfeit as in cases of high treason.

Or an act made in Scotland.

Sect. 23. AND be it further declared and enacted, That if, after the death of her majesty without issue, and before the arrival of any succeeding queen or king in Great Britain, any parliament shall be called by the lords justices, by writs tested in their names; by the arrival of such succeeding queen or king in Great Britain, such parliament shall not be dissolved, but after such arrival shall proceed without any new summons.

Parliament called by lords justices not to be dissolved by arrival of successor.

Sect. 25. AND be it further enacted by the authority aforesaid, That no person who shall have in his own name, or in the name of any person or persons in trust for him, or for his benefit, any new office or place of profit whatsoever under the crown, which at any time since the 25th day of October, in the year of our Lord 1705, have been created or erected, or hereafter shall be created or erected, nor any person who shall be a commissioner, or sub-commissioner of prizes, secretary or receiver of the prizes, nor any comptroller of the accounts of the army, nor any commissioner of transports, nor any commissioner of the sick and wounded, nor any agent for any regiment, nor any commissioner for any wine licences, nor any governor or deputy governor of any of the plantations, nor any commissioners of the navy employed in any of the out ports, nor any person having any pension from the crown *during pleasure*, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

Persons in office, &c. made incapable of being elected members of the house of commons.

By 1 Geo. 1. stat. 2. c. 36. no pensioners for years shall sit in the house, &c. See 15 G. 2. c. 22.

Sect. 26. PROVIDED always, That if any person being chosen a member of the house of commons, shall accept of any office of profit from the crown during such time as he shall continue a member, his election shall be, and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting was naturally dead. Provided nevertheless, That such person shall be capable of being again elected, as if his place had not become void as aforesaid.

Accepting office of profit while a member, election void, but may be again elected.

Sect. 27. PROVIDED also, and be it enacted, That in order to prevent for the future too great a number of commissioners to be appointed or constituted for the executing of any office, that no greater number of commissioners shall be made or constituted for the execution of any office, than have been employed in the execution of such respective office at some time before the first day of this present parliament.

No office to be executed by too many commissioners.

Not to extend to officers in the navy or army.

Sect. 28. PROVIDED also, That nothing herein contained shall extend or be construed to extend to any member of the house of commons, being an officer in her majesty's navy or army, who shall receive any new or other commission in the navy or army respectively.

Persons disabled, if returned as members, such election and return void.

Sect. 29. AND be it further enacted, That if any person hereby disabled or declared to be incapable to sit or vote in any parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stew- artry, city, town, or cinque port, in any such parliament, such election and return are hereby enacted and declared to be void to 'all intents and purposes whatsoever; and if any person disabled, or declared incapable by this act to be elected, shall, after the dissolution or determination of this present parliament, presume to sit or vote as a member of the house of commons in any parliament to be hereafter summoned, such person so sitting or voting shall forfeit the sum of 500*l.* to be recovered by such person as shall sue for the same in England, by action of debt, bill, plaint, or in- formation, wherein no essoin, protection, or wager of law shall be allowed, and only one imparlance.

Penalty on sitting.

Sect. 30. AND be it further enacted and declared, That every person disabled to be elected, or to sit or vote in the house of commons of any parliament of England, shall be disabled to be elected, or to sit or vote in the house of com- mons of any parliament of Great Britain.

No commis- sioner for the equivalent disabled from being elected.

Sect. 31. AND be it further enacted by the authority aforesaid, That no person who now is a commissioner for disposing the sum of 398,085*l.* 10*s.* and all other sums arising to Scotland by way of equivalent, upon the agreements and to the purposes mentioned in the articles of union of the two kingdoms, shall, for or by reason of such commission, or any other commission for disposing the said equivalent or any part thereof, or the execution of any such commis- sion, or any thing relating thereunto, be disabled from being elected a member of parliament, or sitting or voting as such in this or any future parliament.

6 ANNÆ, CAP. 23.

An Act to make further Provision for electing and summoning sixteen Peers of Scotland to sit in the House of Peers in the Parliament of Great Britain; and for trying Peers for Offences committed in Scotland; and for the further regulating of Voters in Elections of Members to serve in Parliament.
A. D. 1707.

Persons re- fusing to take oath, or quaker, to make affirmation, &c. incapable of voting for election of members, &c. 7 & 8 W. 3. c. 34.

13 AND be it further enacted by the authority aforesaid, That every person who shall refuse to take the oath last herein before recited, or, being a quaker, shall refuse to declare the effect thereof upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty King William, intituled *An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in usual*

Form, (which oath or declaration the sheriff president of the meeting, or chief officer taking the poll at any election of members to serve in the house of commons for any place in Great Britain, or commissioners for choosing burghesses for any place in Scotland, at the request of any candidate, or other person present) at such election, are hereby empowered and required to administer,) shall not be capable of giving any vote for the election of any such member to serve in the house of commons for any place in Great Britain, or commissioner to choose a burghess for any place in Scotland.

ANNO 9^o ANNE REGINÆ, CAP. 5.

An Act for securing the Freedom of Parliaments by the farther qualifying the Members to sit in the House of Commons.
A. D. 1710.

FOR the better preserving the constitution and freedom of parliament, be it enacted and declared, That from and after the determination of this present parliament, no person shall be capable to sit or vote, as a member of the house of commons for any county, city, borough, or cinque port, within that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, who shall not have an estate, freehold or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own use and benefit, of or in lands, tenements, or hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, lying or being within that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, of the respective annual value hereafter limited, viz. The annual value of 600*l.* above reprises for every knight of a shire, and the annual value of 300*l.* above reprises, for every citizen, burgess, or baron of the cinque ports; and that if any person who shall be elected, or returned to serve in any parliament, as a knight of a shire or as a citizen, burgess, or baron of the cinque ports, shall not, at the time of such election and return, *be seized of or entitled to such an estate*, in lands, tenements or hereditaments, as for such knight, or for such citizen, burgess, or baron respectively, is hereinbefore required or limited, such election and return shall be void.

Estates of members.

To deliver in schedule of qualification under this act. by 33. Geo. 2. c. 20.

Not having such estate, return void.

2. PROVIDED always, That nothing in this act contained, shall extend to make the eldest son, or heir apparent of any peer or lord of parliament, or of any person qualified by this act to serve as knight of a shire, incapable of being elected and returned, and sitting and voting as a member of the house of commons in any parliament.

This act not to extend to the eldest son of a peer, or of a person qualified to serve as knight of a shire.

3. PROVIDED always, That nothing in this act contained, shall extend or be construed to extend to either of the universities, in that part of Great Britain called England, but that they, and each of them may elect and return

The universities may elect and return members as formerly.

members to represent them in parliament as heretofore they have done ; any thing herein contained to the contrary notwithstanding.

None to be qualified by virtue of any mortgage, unless the mortgagee have been in possession seven years before the election.

4. PROVIDED always, and be it enacted by the authority aforesaid, that no person whatsoever, shall be construed to be qualified to sit in the house of commons, within the meaning of this act, by virtue of any mortgage whatsoever, whereof the equity of redemption is in any other person or persons, unless the mortgagee shall have been in possession of the mortgaged premises, for the space of seven years before the time of his election ; any thing herein contained to the contrary notwithstanding.

When candidate shall take the following oath.

5. PROVIDED always, and it is hereby enacted by the authority aforesaid, That every person (except as aforesaid) who, from and after the determination of this present parliament, shall appear as a candidate, or shall by himself or any others be proposed to be elected to serve as a member for the house of commons, for any county, city, borough, or cinque port in England, Wales, or Berwick upon Tweed, shall, and he is hereby enjoined and required, upon reasonable request to him to be made (at the time of such election, or before the day to be prefixed in the writ of summons for the meeting of the parliament) by any other person who shall stand candidate at such election, or by any two or more persons having right to vote at such election, take a corporal oath in the form or to the effect following :

The Oath.

‘ I A. B. do swear, that I truly and *bona fide* have such an estate in law or equity, to and for my own use and benefit, of or in lands, tenements, or hereditaments, (over and above what will satisfy and clear all incumbrances that may affect the same) of the annual value of 600*l.* above reprises, as doth qualify me to be elected and returned to serve as a member for the county of _____ according to the tenor and true meaning of the act of parliament in that behalf; and that my said lands, tenements, or hereditaments, are lying or being within the parish, township, or precinct of _____ or in the several parishes, townships, or precincts of _____ in the county of _____ or in the several counties of _____ (as the case may be).’

If the candidate be for a city, &c.

6. AND in case such candidate or person is to serve for any city, borough, or cinque port, then the said oath shall relate only to the said value of 300*l.* per annum, and be taken to the same effect, *mutatis mutandis* as is hereby prescribed for the oath of a person to serve as a member for such county as aforesaid.

The oath to be administered by the sheriff, &c. who shall, within three months after the taking thereof, certify the same into the Queen's Bench or Chancery, or forfeit 100*l.*

7. AND it is hereby enacted, that the respective oaths aforesaid, shall and may be administered by the sheriff or under-sheriff for any such county as aforesaid, or by the mayor, bailiff, or other officer or officers, for any city, borough, or port, to whom it shall appertain to take the poll, or make the return, at such election for the same county, borough, or port respectively, or by any two or more justices of the peace within England, Wales, and Berwick upon Tweed; and the said sheriff, mayor, bailiff, or other

officers, and the said justices of the peace respectively, who shall administer the said oaths, are hereby required to certify the taking thereof into her majesty's high court of chancery, or the queen's bench, within three months after the taking the same, under the penalty of forfeiting the sum of 100*l.* to wit, one moiety thereof to the queen, and the other moiety thereof to such person or persons as will sue for the same, to be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of her majesty's courts of record at Westminster; and if any of the said candidates, or persons proposed to be elected as aforesaid, shall wilfully refuse, upon reasonable request to be made at the time of the election, or at any time before the day upon which such parliament, by the writ of summons, is to meet, to take the oath hereby required, then the election and return of such candidate or person shall be void.

One moiety to the queen, the other to him who will sue, &c. with costs.

If candidate refuse to take the oath, his election void.

8. AND it is hereby enacted, That no fee or reward shall be taken for administering any such oath, or making, receiving, or filing the certificate thereof, except one shilling for administering the oath, and two shillings for making the certificate, and two shillings for receiving and filing the same, under the penalty of 20*l.* to be forfeited by the offender, and to be recovered and divided as aforesaid.

Fees for administering the oath for certificate and for filing.

Penalty.

ANNO 9^o ANNE REGINÆ, CAP. 10.

An Act for establishing a General Post Office for all her Majesty's Dominions, and for settling a weekly Sum out of the Revenues thereof, for the Service of the War, and other her Majesty's Occasions. A. D. 1710.

Sect. 44. AND be it further enacted by the authority aforesaid, That no postmaster or postmasters general, or his or their deputy, or deputies, or any person employed by, or under him or them, in the receiving, collecting, or managing the revenue of the post office, or any part thereof, shall by word, message, or writing, or in any other manner whatsoever, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be a knight of the shire, citizen, or burgess, or baron of any county, city, borough, or cinque port, to serve in parliament; and every officer or other person offending therein, shall forfeit the sum of 100*l.* one moiety thereof to the informer, the other moiety to the poor of the parish, where such offence shall be committed, to be recovered by action of debt, bill, plaint, or information in any of her majesty's courts of record, at Westminster, or in the court of exchequer in Scotland, for the said offences committed in England and Scotland respectively, wherein no essoin, protection, or wager of law, or any more than one imparlance shall be allowed; and every person convicted on any such suit of the said offence, shall thereby become disabled and incapable of ever bearing or executing any

Officers of the post-office not to intermeddle in elections.

Penalty.

office or place of trust whatsoever under her majesty, her heirs or successors.

ANNO 9^o ANNÆ, CAP. 11.

An Act for laying certain Duties upon Hides and Skins tanned, tawed, or dressed, and upon Vellum and Parchment, for the Term of Thirty-two Years, for prosecuting the War and other her Majesty's most necessary Occasions.
A. D. 1710.

Commissioners, officers, &c. not to intermeddle in elections.

Penalty.

Made perpetual 3 Geo. 1. c. 7.

49. 'AND be it further enacted by the authority aforesaid, That no commissioner, officer, or other person, concerned or employed in the charging, collecting, receiving, or managing any of the duties granted by this act, shall by word, message, or writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for his choice of any person to be a knight of the shire, commissioner, citizen, burgess, or baron, for any county, city, borough, or cinque port; and every officer or other person offending therein, shall forfeit the sum of 100*l*. one moiety thereof to the informer, the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of her majesty's courts of record at Westminster, or in the court of exchequer in that part of Great Britain called Scotland, in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed; and every person convict on any such suit, shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under her majesty, her heirs or successors.

ANNO 9^o ANNÆ REGINÆ, CAP. 20.

An Act for rendering the Proceedings upon Writs of Mandamus and Information, in the nature of a Quo Warranto, more speedy and effectual; and for the more easy trying and determining the rights of Offices and Franchises in Corporations and Boroughs.
A. D. 1710.

No annual returning officer shall be re-elected.

8. 'AND whereas in divers counties, boroughs, towns corporate and cinque ports where the mayor, bailiff, or other officer or officers to whom it belongs to preside at the election, and make return of any member to serve in parliament, ought to be annually elected, the same person hath been re-elected into such office for several years successively, which hath been found inconvenient: be it enacted and declared by the authority aforesaid, That no person or persons, who hath been, or shall be in such annual office for one whole year, shall be capable to be chosen into the same office for the year immediately ensuing; and where any such annual officer or officers is or are to com-

time for a year, and until some other person or persons shall be chosen and sworn into such office, if any such officer or officers shall voluntarily and unlawfully obstruct and prevent the choosing another person or persons to succeed into such office at the time appointed for making another choice, shall forfeit 100*l*. for every such offence, to be recovered with costs of suit by such person as will sue for the same in any of her majesty's courts of record before-mentioned, by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law, shall be allowed, nor any more than one imparlance; one moiety to her majesty, her heirs and successors, and the other moiety to him or them that will sue for the same.

And such annual officer obstructing the election of his successor to forfeit 100*l*.

One moiety to the queen, the other to the prosecutor.

ANNO 10^o ANNÆ REGINÆ, CAP. 19.

An Act for laying several Duties upon all Soap and Paper made in Great Britain, or imported into the same, and upon chequered and striped Linens imported, and upon certain Silks, Calicoes, Linens, and Stuffs, printed, painted, or stained, and upon several Kinds of stamped Vellum, Parchment, and Paper, and upon certain printed Papers, Pamphlets, and Advertisements, for raising the Sum of Eighteen Hundred Thousand Pounds, by way of Lottery, towards her Majesty's Supply, and for licensing an additional Number of Hackney Chairs, and for charging certain stocks of Cards and Dice, and for better securing her Majesty's Duties to arise in the Office for the stamped Duties by Licences for Marriages, and otherwise, and for Relief of Persons who have not claimed their Lottery Tickets in due Time, or have lost Exchequer Bills or Lottery Tickets, and for borrowing Money upon Stock (part of the Capital of the South Sea Company) for the Use of the Public.
A. D. 1711.

182. And be it further enacted by the authority aforesaid, That no commissioner, officer, or other person, concerned or employed in the charging, collecting or receiving, or managing, any of the duties granted by this act, shall by word, message, or writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for his choice of any person to be knight of the shire, commissioner, citizen, Burgess, or Baron for any county, city, borough, or cinque port, and every officer, or other person offending therein, shall forfeit the sum of 100*l*. one moiety thereof to the informer, the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed, to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of her majesty's courts of record at Westminster, or in the court of exchequer in that part of Great Britain called Scotland, in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed, and every person convict on any such suit shall thereby become disable

Commissioners, &c. under this act not to intermeddle with elections.

Penalty.

and incapable of ever bearing or executing any office or place of trust whatsoever, under her majesty, her heirs and successors.

ANNO 10^o ANNÆ REGINÆ, CAP. 23.

An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament.

7 & 8 W. 3,
c. 25.

(Conveyances fraudulently made to qualify persons to vote (subject to conditions to defeat the same) discharged of such conditions, &c.

Bonds, &c. for defeating such estate void.

‘WHEREAS by an act of parliament made in the 7th year of the reign of his late majesty king William the third, intituled, An act for the further regulating elections of members to serve in parliament, and for the preventing irregular proceedings of sheriffs and other officers, in the electing and returning such members, it is amongst other things enacted, That all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town-corporate, port or place, in order to multiply voices, or to split and divide the interest in any houses or lands amongst several persons, to enable them to vote at election of members to serve in parliament, shall be void, and of none effect; and that no more than one single voice shall be admitted for one and the same house and tenement: and whereas (notwithstanding this provision to the contrary) many fraudulent and scandalous practices have been used of late, to create and multiply votes at the election of knights of the shire to serve in parliament, to the great abuse of the ancient law and custom of that part of Great Britain called England, to the great injury of those persons who have just right to elect, and in prejudice of the freedom of such elections:’ Therefore, for the more effectual preventing of such undue practices, be it enacted, That all estates and conveyances whatsoever, made to any person, or persons, in any fraudulent or collusive manner, on purpose to qualify him or them to give his or their vote or votes at such elections of knights of the shire (subject nevertheless to conditions or agreements to defeat or determine such estate, or to re-convey the same) shall be deemed and taken against those persons who executed the same, as free and absolute, and be holden and enjoyed by all and every such person or persons to whom such conveyance shall be made, as aforesaid, freely and absolutely acquitted, exonerated, and discharged of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts, or agreements, between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof or any part thereof, to any person or persons who made or executed such conveyance,

or to any other person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance and conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same; and every person who, by colour thereof, shall give any vote at any election of any knight or knights of a shire, to serve in parliament, shall, for every such conveyance so made, or vote so created or given, forfeit the sum of forty pounds, to any person who shall sue for the same, to be recovered, together with full costs of suit, by action of debt, bill, plaint, or information, in any of her majesty's courts of record at Westminster, wherein no essoin, privilege, protection, wager of law, or more than one imparlance shall be admitted or allowed.

Penalty on persons making, &c. such conveyances, or voting by colour thereof.

2. And be it further enacted by the authority aforesaid, That from and after the first day of May, which shall be in the year of our Lord 1712, no person shall vote for the electing of any knight of a shire, within that part of Great Britain called England, in respect or in right of any lands or tenements which have not been charged or assessed to the public taxes, church rates, and parish duties, in such proportion as other lands or tenements of forty shillings *per annum* within the same parish or township, where the same shall lie or be, are usually charged, and for which such person shall not have received the rents or profits, or be entitled to have received the same to the full value of forty shillings or more, to his own use, *for one year before* such election, *unless such lands or tenement came to such person within the time aforesaid*, by descent, marriage, marriage settlement, devise, or presentation to some benefice in the church, or by promotion to some office, unto which such freehold is affixed; and if any person shall vote in any such election, contrary to the true intent and meaning hereof, he shall, for every such offence, forfeit the sum of forty pounds, one moiety thereof to the poor of the parish or parishes where the lands or tenements lie, for which such person shall vote, and the other moiety to the person or persons who shall sue for the same, to be recovered by action of debt, bill, plaint, or information, in any of her majesty's courts of record at Westminster, wherein no essoin, privilege, protection or wager of law, shall be allowed, or more than one imparlance.

After 1st May, 1712, no persons shall vote for a knight of a shire, in right of lands which not charged to public taxes, &c. and for which such person has not received the rents for one year before, unless the lands came by descent, &c. *See* *vide* 12 Ann, stat. 1, c. 5, repealed by 18 Geo. 2, c. 18, s. 2.

3. Repeals the oath required by 7 W. 3, c. 25.

4. And be it further enacted by the authority aforesaid, That upon every election to be made of any knight or knights of a shire within that part of Great Britain called England, to serve in parliament, every freeholder, before he is admitted to poll at the same election, shall (if required by the candidates, or any of them, or any other person having a right to vote at such election) first take the oath following, viz.

Sect. 3, repeals the oath required by 7 W. 3, c. 25.

5. And the better to detect and punish any offenders against this act, be it enacted by the authority aforesaid, That in taking the poll, the sheriff, or his under sheriff,

Vide another oath, 18 G. 2, c. 18, s. 1.

The elector's name, and abode.

and clerks, shall enter not only the place of the elector's freehold, but also the place of his abode, as he shall declare the same at the time of the giving his vote, and shall also make or enter *jurat* against the name of every such voter who shall be tendered and take the oath hereby required; and that the said sheriff, or returning officer, shall, within the space of twenty days next after such election, faithfully deliver over upon oath (which oath the two next justices of the peace, one of whom to be of the quorum, are hereby enabled and required to administer) unto the clerk of the peace of the same county, all the poll-books of such respective election without any embezzlement or alteration, and in such counties where there are more than one clerk of the peace of the same county, then the original poll-books to one of such clerks of the peace, and attested copies thereof to the rest, to be carefully kept and preserved among the records of the sessions of the peace of and for the said county.

Poll-books delivered upon oath to the clerk of the peace, and kept among records of the sessions.

Sheriff of Yorkshire to appoint seven tables for taking the poll, at the costs of the candidates.

6. AND be it further enacted by the authority aforesaid, That the sheriff of the county of York for the time being, shall be and is hereby required to appoint seven convenient tables, or places for taking the poll of the said county, upon any new election of a knight or knights of the shire for the said county, at the proper costs and charges of the candidates for the same, to continue till the poll be concluded.

Sheriff of Cheshire.

7. AND be it further enacted by the authority aforesaid, That the sheriff of the county palatine of Chester for the time being, against every election of a knight or knights of the shire to serve in parliament for the said county, shall and is hereby required to cause seven convenient tables or places, and no more, to be made at the costs and charges of the candidates, within the shire hall of the said county, for taking the poll at such elections, that is to say, two at the upper end, two at each side, and one at the lower end of the said hall; and shall at such place take the poll at such elections till the same be concluded.

Quakers affirmation.

8. PROVIDED always, and be it enacted by the authority aforesaid, That if any person being a *Quaker*, during the continuance of an act, passed the 7th year of his late majesty's reign, intituled, An act that the solemn affirmation and declaration of the people called *Quakers*, shall be accepted instead of an oath in the usual form, shall, upon such election as aforesaid, if required by the candidates, or any of them, declare the effect of the said oath upon his solemn affirmation, in such manner and form as is directed by the said act of parliament, made in the seventh year of the reign of his late majesty king William the third, intituled, An act that the solemn affirmation and declaration of the people called *Quakers*, shall be accepted instead of an oath in the usual form; every such *Quaker* shall be capable and admitted to give his vote for the election of any such member as aforesaid, to serve in the house of commons, within that part of Great Britain called England; and every sheriff by himself, or such his proper officer as afore-

said, is hereby authorized and required to accept such affirmation instead of the said oath, and shall also make or enter *affirmat* against the name of every such *Quaker*; and in case any such *Quaker* shall be convicted wilfully, falsely, and corruptly to have affirmed or declared any matter or thing which, if the same had been in the usual form, would have amounted to wilful and corrupt perjury, every such *Quaker* so offending, shall incur the same penalties and forfeitures as herein-before enacted against persons convicted of wilful and corrupt perjury.

Incur the penalties against perjury.

ANNO 12^o ANNÆ REGINÆ, CAP. 5.

An Act to explain a Clause in an Act of the last Session of Parliament, intituled, An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for the electing Knights of Shires to serve in Parliament, as far as the same relates to the ascertaining the Value of Freeholds of 40s. per annum. A. D. 1713.

WHEREAS by an act made in the last session of parliament, intituled, An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing knights for shires to serve in parliament, it is amongst other things enacted, That from and after the first day of May, which should be in the year of our Lord 1712, no person shall vote for the electing of any knight of a shire, within that part of Great Britain called England, in respect or in right of any lands or tenements which have not been charged or assessed to the public taxes, church rates, and parish duties, in such proportions as other lands or tenements of 40s. per annum, within the same parish and township where the same shall lie or be, are usually charged, under a penalty therein expressed; and whereas some doubts have arisen whether parsons, vicars, and other persons, having messuages, lands, rents, tithes, or other hereditaments, are not thereby restrained from voting at such elections, in regard that such messuages, lands, rents, tithes or hereditaments, have not been usually charged or assessed to the public taxes, church rates, and parish duties, and to every of them. Now, for as much as it was only intended thereby to ascertain the value of lands or tenements, by making the proportion paid to the public taxes, church rates, and parish duties, or such of them to which the same were usually charged or assessed, the measure of the value thereof; and for the removing such doubts, be it enacted and declared, &c. That the said act, or any thing therein contained shall not extend, or be construed to restrain any person from voting in such election of any knight of a shire within that part of Great Britain called England, in respect or in right of any rents, tithes, or other incorporeal inheritances, or any messuages or lands in extra-parochial places, or any chambers in the inns of court, or inns of chancery, or any messuages or seats belonging to any

The 18 G. 2. c. 18, repeals this statute, and incorporates its enactments, *vide post.*

The act 10 Ann. c. 23, not to restrain any person from voting in respect of any rents, &c. or chambers in inns of court, in regard of their not being charged to public taxes, &c.

Provided that they have been assessed as other messuages of 40s. per ann. in the same parish, &c.

offices, in regard or by reason that the same have not usually been, or shall not be charged or assessed to all or any the public taxes, church rates, and parish duties, as mentioned in the above recited act, or in respect or in right of any other messuages or lands not herein before specified, in regard or by reason that the same have not been usually charged or assessed to all and every the public taxes, church rates, and parish duties aforesaid, provided, That such messuages or lands have usually been charged or assessed to some one or more of the said public taxes, rates, or duties, in such proportion as other messuages or lands of forty shillings per annum within the same parish or town-ship where the same shall lie or be, are usually charged to the same; any thing contained in the said recited act to the contrary thereof in any wise notwithstanding.

ANNO 12^o ANNE REGINÆ, STAT. 1, CAP. 15.

An Act for making perpetual an Act made in the seventh Year of the Reign of the late King William, intituled, An Act to prevent false and double Returns of Members to serve in Parliament. A. D. 1713.

7 & 8 W. 3,
c. 7.

12 & 13 W. 3,
c. 5.

The act 7 & 8
W. 3, c. 7.
made perpetual.

“WHEREAS in the 7th year of the reign of the late king William the Third, an act was made, intituled, An act to prevent false and double returns of members to serve in parliament, and was thereby enacted to continue for the term of seven years, and from thence to the end of the next session of parliament, and no longer; which act, by another act made in the 12th year of the reign of the said late king, intituled, An act for continuing a former act to prevent false and double returns of members to serve in parliament, was enacted, should thereafter be in force for, and during the term of eleven years, and from thence to the end of the first session of the next parliament, and no longer; which said act has been found by experience to be very useful for the preservation of the rights of the several counties, cities, and boroughs of this kingdom, in the election of members to serve in parliament, and being near expiring: Be it therefore enacted, &c. That the said act made in the 7th year of the reign of the late king William the Third, intituled, An act to prevent false and double returns of members to serve in parliament, and every clause, matter, and thing therein contained, shall be, and is hereby declared to be in full force, and is hereby made perpetual.

ANNO 1 GEORGII REGIS, CAP. 38.

An Act for enlarging the Time of Continuance of Parliaments appointed by an Act made in the sixth Year of the Reign of King William and Queen Mary, intituled, An Act for the frequent meeting and calling of Parliaments.

A. D. 1715.

“WHEREAS in and by an act of parliament made in the sixth year of the reign of their late majesties king William

and Queen Mary (of ever blessed memory) intituled, An act for the frequent meeting and calling of parliaments, it was amongst other things enacted, That from henceforth no parliament whatsoever, that should at any time then after be called, assembled, or held, should have any continuance longer than for three years only at the farthest, to be accounted from the day on which, by the writ of summons, the said parliament should be appointed to meet; and whereas it hath been found by experience, that the said clause hath proved very grievous and burthensome, by occasioning much greater and more continued expences, in order to elections of members to serve in parliament, and more violent and lasting heats and animosities among the subjects of this realm, than were ever known before the said clause was enacted, and the said provision, if it should continue, may probably, at this juncture, when a restless and popish faction are designing and endeavouring to renew the rebellion within this kingdom, and an invasion from abroad be destructive to the peace and security of the government: Be it enacted, &c. That this present parliament, and all parliaments that shall at any time hereafter be called, assembled, or held, shall and may respectively have continuance for seven years, and no longer, to be accounted from the day on which, by the writ or summons, this present parliament hath been, or any future parliament shall be, appointed to meet, unless this present or any such parliament hereafter to be summoned, shall be sooner dissolved by his majesty, his heirs or successors.

6 W. & M.
c. 2. 4 Ed. 3.
c. 14. 36 Ed. 3.
c. 10. 16 Car.
2. c. 1. 1 W. &
M. s. 2, c. 2.

Parliament
shall have con-
tinuance for
seven years,
unless sooner
dissolved by
the king.

ANNO 1^o GEORGII I. STAT. 2, CAP. 56.

An Act to disable any Person from being chosen a Member of, or from sitting and voting in, the House of Commons, who has any Pension for any Number of Years from the Crown.
A. D. 1715.

‘WHEREAS by an act, intituled, An act for the security of her majesty’s person and government, and of the succession to the crown of Great Britain in the Protestant line, and made in the sixth year of the late queen Anne, it was provided, that no person, having any pension from the crown during pleasure, should be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament, which should be then after summoned and holden;’ to the end therefore, that the provision intended by that law, for securing the honour of the house of commons, may not in future times be defeated or eluded by any person, who shall be a member of the house of commons, accepting any pension for any term or number of years; Be it enacted, &c. That no person having any pension from the crown for any term or number of years, either in his own name, or in the name or names of any other person or persons in trust for him, or for his benefit, shall be capable of being elected or chosen member of, or

6 Annæ, c. 7.

Persons hav-
ing pensions
from the
crown inca-
pable of being
members of
the house of
commons.

of sitting or voting as a member of, this present or any future house of commons, which shall be hereafter summoned.

Persons having such pensions, and being elected, and sitting in the house, to forfeit 20l. per diem to the prosecutor.

2. AND be it further enacted by the authority aforesaid, That if any person who shall have such pension as aforesaid, at the time of his being so elected, or at any time after, during such time as he shall continue or be a member of the house of commons, shall presume to sit or vote in that house, then and in such case, he shall forfeit twenty pounds for every day in which he shall so sit or vote in the said house of commons, to such person or persons who shall sue for the same, in any of his majesty's courts in Westminster hall; and the monies so forfeited shall be recovered by the person so suing, with full costs of suit, in any of the said courts by action of debt, bill, plaint or information, in which no essoin, privilege, protection, or wager of law, shall be allowed, and only one imparlance.

ANNO 11^o GEORGH I. CAP. 18.

An Act for regulating Elections within the City of London, and for preserving the Peace, good Order, and Government of the said City.
A. D. 1724.

‘ WHEREAS of late years great controversies and dissensions have arisen in the city of London, at the elections of citizens to serve in parliament and of mayors, aldermen, sheriffs, and other officers of the said city; and many evil minded persons having no right of voting, have unlawfully intruded themselves into the assemblies of the citizens and presumed to give their votes at such elections, in manifest violation of the rights and privileges of the citizens, and of the freedom of their election, and to the disturbance of the public peace; and whereas great numbers of wealthy persons are not free of the said city, do inhabit and carry on the trade of merchandize and other employments within the said city, and refuse or decline to become freemen of the same, by reason of an ancient custom within the said city restraining the freemen of the same from disposing of their personal estates by their last wills and testaments; and whereas great dissensions have arisen between the aldermen and commons, of the common-council of London, in or concerning the making or passing of acts, orders or ordinances in common-council, which, if not timely settled and determined, may occasion great obstructions of the public business and concerns of the said city, and create many expensive controversies and suits at law, and be attended with other dangerous consequences;’ Now, to the intent that suitable remedies may be provided, for preserving the privileges of the city of London and the freedom of election therein, and for settling the right of such elections, and putting a stop to the aforesaid controversies and dissensions and the ill consequences of the same, and that a constant supply may be had of able officers, capable of

supporting the dignity of, and maintaining good order and government within, that ancient, populous and loyal city, which is of the greatest consequence to the whole kingdom: Be it enacted, &c., That at all times from and after the first day of June, 1725, upon every election of a citizen or citizens to serve for the said city of London in parliament, and upon all elections of mayors, sheriffs, chamberlains, bridge masters, auditors of chamberlains and bridge masters accounts, and all and every other officer and officers to be chosen in for the said city, by the liverymen thereof, and upon all elections of aldermen and common-councilmen, chosen at the respective wardmotes of the said city, the presiding officer or officers at such elections shall, in case a poll be demanded by any of the candidates, or any two or more of the electors, appoint a convenient number of clerks to take the same, which clerks shall take the said poll in the presence of the presiding officer or officers, and be sworn by such officer or officers, truly and indifferently to take the same, and to set down the name of each voter and his place of residence or abode and for whom he shall poll, and to poll no person who shall not be sworn, or being a *Quaker*, shall not affirm according to the direction of this act; and every person before he is admitted to poll, at any election of any citizen or citizens to serve in parliament, or of any officer or officers usually chosen by the liverymen of the said city as aforesaid, shall take the oath herein-after mentioned, or being one of the people called *Quakers* solemnly affirm the effect thereof, that is to say,

At elections by the liverymen, &c. presiding officer to appoint a convenient number of poll clerks, &c.

"You do swear, That you are a freeman of London, and a liveryman of the company of _____ and have so been for the space of twelve calendar months; and that the place of your abode is at _____ in _____ and that you have not polled at this election. So help you God."

Liveryman's oath.

AND in case of any election of any alderman, or common-councilman, every person before he is admitted to poll, shall take the oath herein-after mentioned, or being one of the people called *Quakers*, shall solemnly affirm the effect thereof, that is to say,

"You do swear, That you are a freeman of London and an householder in the ward of _____ and have not polled at this election. So help you God."

Oath at ward-motes.

AND if any person or persons shall refuse or neglect to take the oaths hereby respectively appointed to be taken, or being a *Quaker*, shall refuse or neglect to make such solemn affirmation as aforesaid, then and in every such case the poll or vote of such person or persons so neglecting or refusing shall be, and the same is hereby declared to be, null and void, and as such shall be rejected and disallowed.

Vote of person refusing to swear rejected.

2. AND be it further enacted by the authority aforesaid, That at all times from and after the said first day of June, 1725, upon every election of such citizen or citizens, officer or officers, by the liverymen of the said city, and upon every election of such officer or officers, at any ward-

What oaths to be taken, if required.

mote of the said city as aforesaid, all and every person and persons having a right to vote or poll at such election or elections, shall, before he be admitted to vote or poll thereat, (if required by any of the candidates, or any two or more of the electors) first take the oaths in and by an act made in the first year of his majesty's reign, intituled, 'An act for the further security of his majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being Protestants, and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors,' appointed to be taken, or being one of the people called *Quakers*, shall, if required as aforesaid, solemnly affirm the effect thereof; and if any person or persons shall, being required thereunto as aforesaid, refuse or neglect to take the said oaths by the said act appointed to be taken, or to affirm the effect thereof as aforesaid, that then the poll or vote of such person or persons so neglecting or refusing shall be, and the same is hereby declared to be, null and void, and as such shall be rejected and disallowed; and the presiding officers at all and every the respective elections aforesaid, and such sworn clerks as shall be by them appointed, are hereby respectively authorized and empowered to administer the above mentioned oaths and affirmations; and if any such presiding officer or officers, sworn clerk or clerks, shall neglect or refuse so to do, or shall otherwise offend in the premises, contrary to the true intent and meaning of this act, every such officer and sworn clerk, shall for every such offence forfeit the sum of sixty pounds, of lawful money of Great Britain, besides costs of suit.

Presiding officer and sworn clerk to administer the oaths, under a penalty.

3. AND it is hereby further enacted, That if any person or persons shall wilfully, falsely, and corruptly take the said oaths or affirmations set forth and appointed in and by this act, or either of them, and be thereof lawfully convicted by indictment or information, or if any person or persons shall corruptly procure or suborn any other person to take the said oaths or affirmations, or either of them, whereby he shall wilfully and falsely take the said oaths or affirmations, or either of them, and the person so procuring or suborning shall be thereof convicted by indictment or information; every person so offending shall for every such offence incur and suffer such penalties, forfeitures, and disabilities as persons convicted of wilful and corrupt perjury, at the common law, are liable unto.

Penalty on false oaths, &c.

4. 'And to the intent that the poll at every such election may be expeditiously and duly taken;' Be it further enacted by the authority aforesaid, That if a poll shall be demanded at any of the elections before-mentioned, after the said first day of June, 1725, the presiding officer or officers at such elections shall begin such poll the day the same shall be demanded, or the next day following at the farthest, unless the same shall happen on a *Sunday*, and then on the next day after, and shall duly and orderly proceed thereon from day to day (Sundays excepted) until such poll be finished, and shall finish the poll at elections by the

How presiding officer to act, if poll demanded.

liverymen within seven days exclusive of Sundays, and the poll at the wardmotes within three days, exclusive of Sunday, after the commencing the same respectively, and shall upon adjourning the poll on each day at all and every the elections aforesaid seal up the poll books with the seals and in the presence of such of the respective candidates or persons deputed by them as shall desire the same, and the said poll book shall not be opened again, but at the time and place of meeting, in pursuance of such adjournment; and after the said poll is finished, the said poll books being sealed as aforesaid, shall within two days after be publicly opened at the place of election and be duly and truly cast up, and within two days after such casting up, the numbers of the votes or polls for each candidate shall be truly, fairly, and publicly declared to the electors at the place of election, by the officer or officers presiding at such election; and if a scrutiny shall, upon such declaration made, be lawfully demanded, the same shall be granted and proceeded upon, and the respective candidates shall immediately nominate to the presiding officer, or officers at such elections, any number of persons qualified to vote at such elections not exceeding six, to be scrutineers for and on behalf of the candidate or candidates on each side, to whom the presiding officer or officers at such election shall, within six days next after such scrutiny shall be demanded, upon request and at the charge of the candidate or candidates or any of the scrutineers on his or their behalfs, deliver or cause to be delivered to him or them a true copy, signed by such officer or officers, of the poll taken at such election; and all and every the scrutinies, to be had or taken upon any election to be made by the liverymen of the said city, shall begin within ten days after the delivery of the copies of the said polls, and be proceeded on day by day, (Sundays excepted) and shall be finished within fifteen days after the commencement of such scrutiny; and thereupon the presiding officer or officers, shall, within four days after the finishing such scrutiny, publicly declare at the place of such election, which of the candidates is or are duly elected, and the number of legal votes, for each candidate, appearing to him or them upon such scrutiny; and on the election of any officer or officers at the respective wardmotes of the said city if a scrutiny be demanded, the candidates or scrutineers nominated on their behalf respectively, shall within ten days next after the receipt of the copy or copies of the polls taken at such election, deliver or cause to be delivered to the presiding officer or officers, the names in writing, of the several persons who have polled in the said election, against whose votes they shall object, with the particular objections against each respective name; and the presiding officer or officers, shall thereupon within three days then next following, at the request and charges of any candidate or candidates, or the scrutineers named on his or their behalfs, deliver or cause to be delivered to him or them, one or more true copy or copies (signed as aforesaid) of the paper containing such names and

When poll to be finished, &c.

Upon a scrutiny, the scrutineers not to exceed 6 on each side.

When scrutiny to begin, and when to finish, on election by liverymen.

Elections at wardmotes.

Copies of objections against pollers.

objections as aforesaid; and the said presiding officer or officers, within ten days then next following (exclusive of Sundays) after having fully heard such of the said candidates as shall desire the same, or some person appointed by him or them touching such objections, shall at or in the place of election, openly and publicly declare which of the said candidates is or are duly elected, and the number of legal votes for each candidate appearing to him or them upon such scrutiny; and if the said presiding officer or officers, or any other person or persons shall offend in the premises, every such offender shall forfeit for every such offence the sum of two hundred pounds of lawful money of Great Britain, with full costs of suit, over and above all other penalties and forfeitures inflicted by any other act or acts of parliament.

Penalty, &c.
with costs.

5. AND be it further enacted by the authority aforesaid, That after any election made and scrutiny taken, as is herein-before provided and directed, the presiding officer or officers at such election and scrutiny shall deliver, under his or their hand or hands, a true list of the voters by him or them disallowed upon such scrutiny, to any of the candidates who shall, upon the final declaration of the election as aforesaid, demand the same within six days after such demand made, such candidate paying for the same: Provided always, That no such list as is hereby directed to be given, nor any thing therein contained shall be admitted to be given in evidence on any action or occasion whatsoever.

List to be
given of vo-
ters disallow-
ed.

6. AND be it further enacted by the authority aforesaid, That the mayor of the city of London for the time being, upon request to him made by any candidate or candidates, his or their agent or agents, at any election of a citizen or citizens to serve in parliament for the said city, or of a mayor or any other officer or officers to be chosen by the liverymen thereof, where a scrutiny is demanded and granted, shall issue his precepts as has been usual, requiring the masters and wardens of the livery companies of the said city respectively, to cause their clerks forthwith to return to him two true lists of all the liverymen of their respective companies; and the said clerks shall return such their respective lists upon oath within three days after the receipt of any such precepts, one of which lists so returned, the said mayor shall, and he is hereby required forthwith to deliver, or cause to be delivered to the candidate or candidates on each side at such election, or to his or their agent or agents respectively.

Mayor to is-
sue precepts
to bring in
lists.

14. AND it is hereby further enacted, That no person or persons whatsoever shall, from and after the said first day of June, 1726, have any right or title to vote at any election of a citizen or citizens to serve in parliament for the said city, or of any mayor or other officer or officers to be chosen by the liverymen thereof, who have not been upon the livery by the space of twelve calendar months before such elec-

Who are ex-
cluded from
voting.

tion, and who shall not have paid their respective livery fines, or who having paid the same, shall have received such fines back again in part or in all, or shall have had any allowance in respect thereof; and no person or persons whatsoever shall have any right to vote at any election of a citizen or citizens to serve in parliament, or of any mayor, alderman, or other officer or officers of or for the said city, or any the wards or precincts thereof, who have, at any time within the space of two years next before such election or elections, requested to be, and accordingly have been, discharged from paying to the rates and taxes to which the citizens of London inhabiting therein are or shall be liable as aforesaid, or any of them, or who have within the time aforesaid had or received an alms whatsoever; and the vote of every such person shall be void.

20. AND be it further enacted by the authority aforesaid, That all and every the forfeitures hereby enacted or inflicted, shall be distributed in the manner following, that is to say, one third part thereof to the king's most excellent majesty; one other third part thereof to the chamberlain of the said city, to the use of the mayor, commonalty, and citizens of the said city; and the remaining third part thereof to him or them that will sue for the same within six calendar months next after the same shall be incurred; to be recovered by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, wherein no essoin, privilege, protection, or wager of law, shall be allowed, nor any more than one imparlance.

Forfeitures,
distribution
of.

ANNO 2^o GEORGI II. CAP. 24.

An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to serve in Parliament.

A. D. 1729.

Explained,
&c. by 2 Geo.
2. c. 38.

'WHEREAS it is found by experience that the laws already in being have not been sufficient to prevent corrupt and illegal practices in the election of members to serve in parliament: For remedy therefore of so great an evil, and to the end that all elections of members to serve in parliament may hereafter be freely and indifferently made, without charge or expense, be it enacted, That from and after the twenty-fourth day of June 1729, upon every election of any member or members to serve for the commons in parliament, every freeholder citizen, freeman, burgess, or person having or claiming to have a right to vote or be polled at such election, shall, before he is admitted to poll at the same election, take the following oath (or being one of the people called *Quakers*, shall make the solemn affirmation appointed for *Quakers*) in case the same shall be demanded by either of the candidates, or any two of the electors; that is to say,

Vide 16 G. 2.
c. 11. as to
delegates in
Scotland.

Electors to
take the fol-
lowing oath if
demanded.

"I, A. B. do swear (or being one of the people called *Quakers*, I, A. B. do solemnly affirm) I have not received,

Electors' oath.

or had, by myself or any person whatsoever in trust for me, or for my use and benefit, directly or indirectly, any sum or sum of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, employment, or gift, in order to give my vote at this election, and that I have not been before polled at this election."

Presiding officers to administer it under penalty.

WHICH oath or affirmation the officer or officers presiding or taking the poll at such election, is and are hereby empowered and required to administer *gratis*, if demanded as aforesaid, upon pain to forfeit the sum of fifty pounds of lawful money of Great Britain, to any person that shall sue for the same, to be recovered together with full costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, or more than one imparlance shall be admitted or allowed; and if the said offence shall be committed in that part of Great Britain called Scotland, then to be recovered, together with full costs of suit, by summary action or complaint before the court of session, or by prosecution before the court of justiciary there, for every neglect or refusal so to do; and no person shall be admitted to poll, till he has taken and repeated the said oath in a public manner, in case the same shall be demanded as aforesaid, before the returning officer, or such other as shall be legally deputed by him.

Sheriff, &c. not to admit any to be polled before sworn, under a penalty.

2. AND be it further enacted, That if any sheriff, mayor, bailiff, or other returning officer, shall admit any person to be polled without taking such oath or affirmation, if demanded as aforesaid, such returning officer shall forfeit the sum of one hundred pounds to be recovered in manner aforesaid, together with full costs of suit; and that if any person shall vote or poll at such election, without having *first* taken the oath, or if a *Quaker*, having made his affirmation as aforesaid, if demanded, such person shall incur the same penalty which the officer is subject to for the offence above-mentioned.

Like penalty on voters.

3. AND be it further enacted by the authority aforesaid, that every sheriff, mayor, bailiff, headborough, or other person being the returning officer of any member to serve in parliament, shall immediately after the reading the writ, or precept for the election of such member, take and subscribe the following oath, viz.

Returning officers after reading the writ, to take the following oath.

16 G. 2. c. 11. s. 38. as to returning officers in Scotland repealed.

"I, A. B. do solemnly swear, That I have not, directly or indirectly, received any sum or sums of money, office, place or employment, gratuity or reward, or any bond, bill, or note, or any promise or gratuity whatsoever, either by myself or any other person to my use, or benefit, or advantage, for making any return at the present election of members to serve in parliament; and that I will return such person or persons as shall, to the best of my judgment, appear to me to have the majority of legal votes."

WHICH oath any justice or justices of the peace of the said county, city, corporation, or borough, where such election shall be made, or, in his or their absence, any three of the electors are hereby required and authorized to administer;

and such oath, so taken, shall be entered among the records of the sessions of such county, city, corporation, and borough as aforesaid.

4. AND be it enacted by the authority aforesaid, That such votes shall be deemed to be legal, which have been so declared by the last determination in the house of commons; which last determination concerning any county, city, shire, borough, cinque port, or place, shall be final to all intents and purposes whatsoever, any usage to the contrary notwithstanding.

Last determination.
Votes deemed legal.
How far repealed by 28 G. 3. c. 52. § 31. *Vide* that statute.

5. AND be it further enacted by the authority aforesaid, That if any returning officer, elector, or person taking the oath or affirmation herein-before mentioned, shall be guilty of wilful and corrupt perjury, or of false affirming, and be thereof convicted by due course of law, he shall incur and suffer the pains and penalties which by law are enacted or inflicted in cases of wilful and corrupt perjury.

Penalty of wilful perjury.

6. AND be it further enacted by the authority aforesaid, That no person convicted of wilful and corrupt perjury, or subornation of perjury, shall, after such conviction, be capable of voting in any election of any member or members to serve in parliament.

Persons convicted incapable to vote.

7. AND be it further enacted by the authority aforesaid, That if any person, who hath or claimeth to have, or hereafter shall have or claim to have, any right to vote in any such election, shall from and after the said twenty-fourth day of June, which shall be in the year of our Lord, 1729, ask, receive, or take any money, or other reward, by way of gift, loan, or other device, or agree or contract for any money, gift, office, employment, or other reward whatsoever, to give his vote, or to refuse or forbear to give his vote in any such election, or if any person, by himself or any person employed by him, doth or shall, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes, or to forbear to give his or their vote or votes in any such election, such person so offending in any of the cases aforesaid shall, for every such offence, forfeit the sum of five hundred pounds of lawful money of Great Britain, to be recovered as before directed, together with full costs of suit; and every person offending in any of the cases aforesaid, from and after judgment obtained against him in any such action of debt, bill, plaint, or information, or summary action or prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any election of any member or members to parliament, and also shall for ever be disabled to hold, exercise, or enjoy any office or franchise, to which he and they then shall or at any time afterwards may be entitled, as a member of any city, borough, town corporate, or cinque port, as if such person was naturally dead.

Persons taking money or reward for their vote, &c.

Penalty.

8. AND be it further enacted by the authority aforesaid, That if any person offending against this act, shall within the space of twelve months next after such election as aforesaid, discover any other person or persons offending against

Offenders discovering others, indemnified, when.

this act, so that such person or persons so discovered be thereupon convicted, such person so discovering, and not having been before that time convicted of any offence against this act, shall be indemnified and discharged from all penalties and disabilities, which he shall then have incurred by any offence against this act.

When the act to be read by the sheriff, &c.

9. AND for the more effectual observance of this act, be it enacted, That all and every the sheriffs, mayors, bailiffs, and other officers, to whom the execution of any writ or precept, for electing any member or members to serve in parliament, shall belong or appertain, shall and are hereby required, at the time of such election, immediately after the reading such writ or precept, to read or cause to be read openly before the electors there assembled, this present act, and every clause therein contained, and the same shall also openly be read once in every year at the general quarter sessions of the peace, to be holden next after Easter, for any county or city, and at every election of the chief magistrate in any borough, town corporate, or cinque port, and at the annual election of the magistrates and town counsellors for every borough, within that part of Great Britain called Scotland.

Penalty for wilful offence.

10. AND be it further enacted by the authority aforesaid, That every sheriff, under sheriff, mayor, bailiff, and other officer, to whom the execution of any writ or precept, for the electing of members to serve in parliament doth belong, for every wilful offence, contrary to this act, shall forfeit the sum of fifty pounds to be recovered, together with full costs of suit, in the manner before directed.

Prosecution to commence within two years.
Vide. 9 G. 2.
c. 38.

11. PROVIDED always, and it is hereby declared and enacted by the authority aforesaid, That no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this act laid or imposed, unless prosecution be commenced within two years after such incapacity, disability, forfeiture, or penalty shall be incurred, or in case of a prosecution, the same be carried on without wilful delay; any thing herein contained to the contrary notwithstanding.

ANNO 30 GEORGE II. CAP. 8.

An Act for the better regulating Elections in the City of Norwich, and for preserving the Peace, good Order, and Government, in the said City. A. D. 1730.

‘ WHEREAS many unhappy controversies and dissensions have of late years arisen in the city of *Norwich*, at the elections of citizens to serve in parliament, and also of mayors, sheriffs, aldermen, and common-councilmen of and for the said city, touching the legality and validity of the votes of many persons who in such elections have offered to vote; and whereas the time appointed by the charters of the said city is not sufficient to elect so great a number of common-councilmen for each great ward, as are thereby yearly directed to be chosen when such elections happen to be controverted; and whereas great differences and dissensions

have arisen between the mayor, sheriffs, and aldermen, and the commons of the common-council of the said city, in or concerning the making or passing of acts, orders, or ordinances, in common-council, or assembly of the representative body of the said city, which have often obstructed the public business and concerns thereof: Now to the intent that a stop may be put to all such controversies and dissensions as aforesaid, touching the illegality of voters, that the number of common-councilmen may be yearly elected, and that the public business of the said city may not be obstructed: be it enacted, &c.

"Each voter must take an oath that he has been a freeman twelve months, and has not polled before; a particular oath is also required at the election of mayors, &c.; one of the checks, a swearer and a poll clerk are to be admitted into the prison to take the oaths of such electors as are confined; and the oaths in 1 G. 1. stat. 2, c. 13. are to be taken by the electors if required; a particular mode is pointed out for the election of common-councilmen; and no act is valid without the assent of the major part of the aldermen and commons."

ANNO 6^{to} GEORGII II. CAP. 23.

An Act to explain and amend an Act made in the 7th and 8th Years of the Reign of King William the Third, intituled, "An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular proceedings of Sheriffs and other Officers in the electing and returning such Members, so far as the same relates to the holding of County Courts."

A. D. 1733.

"WHEREAS by an act passed in the 7th and 8th years of the reign of King William the Third, intituled, An act for the further regulating elections of members to serve in parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members, it was, amongst other things, enacted, That the sheriff of any county, upon the election to be made of any knight or knights of the shire, should proceed to election at the next county court, unless the same should fall out to be held within six days after the receipt of the writ, or upon the same day, and then should adjourn the said court to some convenient day, giving ten days notice of the time and place of election; and whereas by the same act it was also enacted, That all county courts held for the county of York, or any other county courts which were used to be held on a Monday, should from henceforth be called and begun on Wednesdays; and whereas there was no express provision to prevent the adjournment of any county court to a Monday, whereby doubts have arisen whether the same might not be adjourned to a Monday, which is declared by the said act to be a very inconvenient day to all the suitors thereunto, which hath given occasion to

7 & 8 W. 3.
c. 25.

Adjournment
of county
courts, after
June 24, 1733.
Part within
brackets re-
pealed 18 G. 2,
c. 18, sect. 11.

county courts being frequently adjourned over to a Monday, to the great inconvenience of such suitors, who, at elections for knights of the shire, and their services at other times, are thereby obliged to travel on Sundays; and whereas there is no provision made by the said act with relation to not adjourning county courts to a Friday or Saturday, which is as inconvenient to all suitors as if the same were adjourned to a Monday: For remedy whereof be it therefore enacted, &c. That from and after the twenty-fourth day of June, 1733, [no county court whatsoever held within that part of Great Britain called England, shall be adjourned to a Monday, a Friday, or Saturday, and that all and every such adjournment and adjournments, and all and every act and deed done or performed at such courts so adjourned, shall be deemed, adjudged, and taken to be utterly null and void to all intents and purposes whatsoever, any law, custom, or usage to the contrary thereof in any wise notwithstanding.]

County courts
begun on other
days, may be
adjourned to
those.

2. PROVIDED nevertheless, That any county court begun, holden on, or adjourned to a day not prohibited by this act, or the said other recited act, for electing any knight or knights of the shire for any county, or for hearing and determining causes, or such other matters and business as are usually transacted at county courts within the limits aforesaid, may be adjourned over from day to day, though the same may happen on a Monday, Friday, or Saturday, until such election, or such other matters as aforesaid, be fully finished and determined, any thing in this present act contained to the contrary in any wise notwithstanding.

ANNO 8^o GEORGII II. CAP. 30.

An Act for regulating the Quartering of Soldiers during the Time of the Elections of Members to serve in Parliament.

A. D. 1735.

3 Ed. 1, c. 5.

‘ WHEREAS by the ancient common law of this land, all elections ought to be free; and whereas by an act passed in the 3rd year of the reign of king Edward the First, of famous memory, it is commanded upon great forfeiture, that no man by force of arms, nor by malice, or menacing shall disturb any to make free election; and forasmuch as the freedom of elections of members to serve in parliament is of the utmost consequence to the preservation of the rights and liberties of this kingdom; and whereas it hath been the usage and practice to cause any regiment, troop, or company, or any number of soldiers which hath been quartered in any city, borough, town, or place, where any election of members to serve in parliament hath been appointed to be made, to remove and continue out of the same during the time of such election, except in such particular cases as are herein-after specified: To the end therefore that the said usage and practice may be settled and established for the future; Be it enacted, &c. That when and as often as any election of any peer or peers to

represent the peers of Scotland in parliament, or of any member or members to serve in parliament, shall be appointed to be made, the secretary at war for the time being, or in case there shall be no secretary at war, then such person who shall officiate in the place of the secretary at war, shall, and is hereby required, at some convenient time before the day appointed for such election, to issue and send forth proper orders in writing for the removal of every such regiment, troop, or company, or other number of soldiers as shall be quartered or billeted in any such city, borough, town, or place, where such election shall be appointed to be made, out of every such city, borough, town, or place, one day at the least before the day appointed for such election, to the distance of two or more miles from such city, borough, town, or place, and not to make any nearer approach to such city, borough, town, or place as aforesaid, until one day at the least after the poll to be taken at such election shall be ended, and the poll-books closed.

Removing soldiers 2 miles from the place of election.

2. AND be it further enacted by the authority aforesaid, That in case the secretary at war for the time being, or such person who shall officiate in the place of the secretary at war, shall neglect or omit to issue or send forth such orders as aforesaid, according to the true intent and meaning of this act, and shall be thereof lawfully convicted upon any indictment to be preferred at the next assizes, or sessions of oyer and terminer to be held for the county where such offence shall be committed, or on an information to be exhibited in the court of king's bench within six months after such offence committed, such secretary at war, or person who shall officiate in the place of the secretary at war, shall for such offence be discharged from their said respective offices, and shall from thenceforth be utterly disabled, and made incapable to hold any office or employment, civil or military, in his majesty's service.

On penalty of forfeiting his office, &c.

3. PROVIDED always, That nothing in this act contained, shall extend or be construed to extend to the city and liberty of Westminster, or the borough of Southwark, for and in respect of the guards of his majesty, his heirs, or successors, nor to any city, borough, town, or place, where his majesty, his heirs or successors, or any of his royal family shall happen to be, or reside at the time of any such election as aforesaid, for or in respect of such number of troops or soldiers only as shall be attendant as guards to his majesty, his heirs or successors, or to such other person of the royal family as is aforesaid, nor to any castle, fort, or fortified place, where any garrison is usually kept, for or in respect of such number of troops or soldiers only whereof such garrison is composed.

Not to extend to Westminster, or other residence of the royal family, &c.

Or fortified places.

4. PROVIDED likewise, That nothing in this act contained, shall extend, or be construed to extend, to any officer or soldier who shall have a right to vote at any such election as aforesaid, but that every such officer and soldier may freely and without interruption attend and give his vote at such election; any thing herein-before contained to the contrary thereof notwithstanding.

Or to any officer, &c. having a right to vote.

The courts of great sessions in Wales, and sessions in counties palatine to proceed against members, as the courts at Westminster.

palatine of Chester, Lancaster, and Durham, courts of king's bench, common pleas, and exchequer in Ireland, after any dissolution, prorogation, or such adjournment as aforesaid, or before any session of parliament, or meeting of both houses as aforesaid, to have and use such and the like due methods of proceeding, and to issue such and like process against any such peer, or lord of parliament, or against any of the said knights, citizens, and burgesses, or other persons entitled to the privilege of the parliament of Great Britain, as the courts of king's bench, common pleas, and exchequer in England, are by the said recited act empowered and directed to use and issue respectively; and that it shall and may be lawful to and for the court of chancery of Ireland, and for the court of equity of the exchequer there, to have and use such and the like methods of proceeding, and to issue such and the like process within the times and against the persons aforesaid, as the high court of chancery of Great Britain and the court of exchequer in England, are by the said recited act respectively directed and empowered to use and issue; and that it shall and may be lawful to and for any of the other courts herein-before described, the process whereof is not particularly directed by the said recited act, or by this act, after any dissolution, prorogation, or such adjournment as aforesaid, or before any session of parliament, or meeting of both houses as aforesaid, to issue such and the like process against any such peer, or lord of parliament, or against any of the said knights, citizens, or burgesses, or other person entitled to the privilege of parliament, as such courts may now lawfully issue against persons not liable to be arrested or imprisoned.

Plaintiffs not barred or nonsuited.

3. AND be it enacted by the authority aforesaid, That where any plaintiff shall, by reason or occasion of privilege of parliament, be stayed or prevented from prosecuting any suit by him commenced, such plaintiff shall not be barred by any statute of limitation, or nonsuited, dismissed, nor his suit discontinued for want of prosecution of the suit by him begun, but shall, from time to time, upon the rising of the parliament, be at liberty to proceed to judgment and execution.

Nor process against the king's debtor to be stayed by privilege of parliament.

4. AND it is hereby enacted, That no action, suit, process, order, judgment, decree, or proceeding in law or equity, against the king's original and immediate debtor, for the recovery or obtaining of any debt or duty originally and immediately due or payable unto his majesty, his heirs or successors, for any accountant, or person answerable, or liable to render any account unto his majesty, his heirs or successors, for any part or branch of any of his or their revenues, or other original and immediate debt, or duty, or the execution of any such process, order, judgment, decree, or proceedings, shall be impeached, stayed, or delayed in any court in Great Britain or Ireland, by and under the colour or pretence of any privilege of the parliament of Great Britain; yet so nevertheless, that the person of any such debtor, or accountant, or person an-

swerable or liable to account, being a peer, or lord of parliament of Great Britain, shall not be liable to be arrested or imprisoned, by or upon any such suit, order, judgment, decree, process, or proceedings; or being a member of the house of commons of Great Britain, shall not, during the continuance of the privilege of parliament, be arrested or imprisoned by or upon any such order, judgment, decree, process, or proceedings.

But the persons not to be arrested.

5. PROVIDED nevertheless, That neither this act, nor any thing therein contained, shall extend to give any jurisdiction, power, or authority to any court, to hold plea in any real or mixt action, in any other manner than such court might have done before the making this act. Proviso.

ANNO 13^o .GEORGII II. CAP. 20.

An Act for the more effectually preventing fraudulent Qualifications of Persons to vote as Freeholders, in the Election of Members to serve in Parliament, for such Cities and Towns as are Counties of themselves, in that Part of Great Britain called England. A. D. 1740.

AFTER reciting the 1st and 2nd sections of 10 Ann, c. 23, and the whole of 12 Ann, c. 5, *vide ante*, it proceeds.—‘ And whereas it is reasonable, that provision should likewise be made to prevent any fraudulent conveyances of lands and tenements, in order to multiply votes for electing members to serve in parliament, for such cities and towns as are counties of themselves, and wherein persons have a right to vote for electing such members, for or in respect of lands, tenements, or hereditaments of the yearly value of forty shillings:’ Be it enacted, &c. That from and after the twenty-fifth day of March, 1740, the said provisions contained in the said in part recited act, made in the 10th year of the reign of queen Anne, for preventing fraudulent conveyances in order to multiply votes for electing knights for shires, and in the said act made in the next sessions of parliament, shall be extended and construed to extend, to such lands or tenements, for or in respect of which any person shall vote for the election of any member to serve in parliament for any such city or town as aforesaid, being a county of itself in that part of Great Britain called England, and that if any person shall vote for the election of any such member as a freeholder, not having such an estate for one year before the same election, and so charged or assessed as in the said acts or one of them is described, except in cases therein excepted, every such person shall be subject to the like penalties and forfeitures, as are by the said act, made in the 10th year of the reign of queen Anne, imposed on persons voting for knights of shires, not having the qualifications thereby required.

Penalty for voting as freeholder not having an estate one year before election.

Exception. In part repealed by 19 Geo. 2, c. 28, s. 2, as to towns which are counties of themselves.

ANNO 15^o GEORGH II. CAP. 13. S. 8.

An Act for establishing an Agreement with the Governor and Company of the Bank of England, for advancing the Sum of One Million Six Hundred Thousand Pounds, towards the Supply for the Service of the Year 1742.

A. D. 1742.

Governor, &c.
of the bank not
disabled.

8. AND it is hereby further enacted by the authority aforesaid, That no person in respect of his being governor, deputy-governor, director, manager, or member of the said company, or for having any stock or share therein, or for any matter or thing to be by him done or performed in the affairs of the said corporation, shall be now or at any time hereafter disabled from being or continuing, or from being elected or serving as a member of parliament, or be liable or subject to any penalty, forfeiture, or disability prescribed by any other act or acts of parliament, for not qualifying himself to execute his trust with respect to the affairs of the said corporation, as persons who shall take or execute any office or place of profit or trust, are subject and liable unto by any law now in force, or be adjudged liable to be a bankrupt, within the intent or meaning of all or any the statutes made against or concerning bankrupts; any law, statute, or provision to the contrary thereof in any wise notwithstanding.

ANNO 15^o GEORGH II. CAP. 22.

An Act to exclude certain Officers from being Members of the House of Commons.

A. D. 1742.

Certain officers, clerks and deputies of certain commissioners, &c. not to sit.

FOR further limiting or reducing the number of officers capable of sitting in the house of commons, be it enacted, &c. That from and after the dissolution, or other determination of this present parliament, no person who shall be commissioners of the revenue in Ireland, or commissioner of the navy or victualling offices, nor any deputies or clerks in any of the said offices, or in any of the several offices following; that is to say, the office of lord high treasurer, or the commissioners of the treasury, or of the auditor of the receipt of his majesty's exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer, or of the lord high admiral, or the commissioners of the admiralty, or of the paymasters of the army or of the navy, or of his majesty's principal secretaries of state, or of the commissioners of the salt, or of the commissioners of the stamps, or of the commissioners of appeals, or of the commissioners of wine licences, or of the commissioners of hackney coaches, or of the commissioners of hawkers and pedlars, nor any persons having any office, civil or military, within the island of Minorca or in Gibraltar, other than officers having commissions in any regiment there only, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

2. AND be it further enacted, by the authority aforesaid, That if any person hereby disabled or declared to be incapable to sit or vote in any parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stewartry, city, borough, town, cinque port, or place, in parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person disabled and declared incapable by this act to be elected, shall after the dissolution, or other determination of this present parliament, presume to sit or vote as a member of the house of commons in any parliament to be hereafter summoned, such person so sitting or voting, shall forfeit the sum of twenty pounds for every day in which he shall sit or vote in the said house of commons, to such person or persons who shall sue for the same in any of his majesty's courts at Westminster, and the money so forfeited shall be recovered by the persons so suing, with full costs of suit, in any of the said courts, by action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, shall be allowed, and only one imparlance, and shall from thenceforth be incapable of taking, holding, or enjoying any office of honour or profit under his majesty, his heirs or sucesors.

Returns of
such void.

Penalty on
persons sitting
or voting, after
being thus dis-
abled.

3. PROVIDED always, and it is hereby enacted and declared by the authority aforesaid, That nothing in this act shall extend or be construed to extend or relate to, or exclude the treasurer or comptroller of the navy, the secretaries of the treasury, the secretary to the chancellor of the exchequer, or secretaries of the admiralty, the under secretary to any of his majesty's principal secretaries of state, or the deputy paymaster of the army, or to exclude any person having or holding any office or employment for life, or for so long as he shall behave himself well in his office; any thing herein contained to the contrary notwithstanding.

Not to extend
to comptroller
of the navy,
secretary to
the treasury,
&c.

ANNO 18^o GEORGI II. CAP. 18.

An Act to explain and amend the Laws touching the Elections of Knights of the Shire to serve in Parliament for that Part of Great Britain called England.

A. D. 1745.

‘ WHEREAS several delays and inconveniences have arisen in elections of knights of shires to serve in parliament, to the great trouble and expence of the candidates and electors; For remedy thereof, be it enacted, &c. That from and after the twenty-fourth day of June, 1745, upon every election to be made within that part of Great Britain called England, or dominion of Wales, of any knight or knights of the shire to serve in parliament, every freeholder instead of the oath or affirmation prescribed to be taken, by an act of parliament made in the 10th year of the reign of her late majesty queen Anne, intituled, An Act for the more effectual preventing fraudulent conveyances in order to multiply votes for electing knights of shires, to serve in parliament, before he is admitted to poll at the said election, shall (if required by the candidates or any of them, or any other per-

Oath ap-
pointed for
freeholders.

son having a right to vote at the said election) first take the oath (or being one of the people called *Quakers*, the solemn affirmation) following, *videlicet*.

The oath.

'You shall swear (or being one of the people called *Quakers*, you shall solemnly affirm) that you are a freeholder in the county of _____ and have a freehold estate, consisting of _____ (specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands, or tythes, then specifying in whose occupation the same are; and if in rent, then specifying the names of the owners or possessors of the lands or tenements, out of which such rent is issuing, or of some or one of them) lying or being at _____ in the county of _____ of the clear yearly value of forty shillings over and above all rents and charges payable out of or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof, for your own use, above twelve calendar months, or that the same came to you within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office; and that such a freehold estate has not been granted or made to you fraudulently on purpose to qualify you to give your vote; and that the place of your abode is at _____ in _____ and that you are twenty-one years of age as you believe, and that you have not been polled before at this election.'

By whom administered.

WHICH oath (or solemn affirmation) the sheriff by himself, his under-sheriff, or such sworn clerk or clerks, as shall be by him appointed for the taking of the poll, is hereby required to administer; and in case any freeholder or other person taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury and be thereof convicted; and if any person do unlawfully or corruptly procure, or suborn any freeholder or other person, to take the said oath or affirmation in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted; he and they for every such offence, shall incur such pains and penalties as are in and by two acts of parliament, the one made in the 5th year of the reign of the late queen Elizabeth, intituled, An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury, the other made in the second year of his present majesty, intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money, contrary to the said acts.

Penalty of perjury or subornation.

2. 'AND whereas by the said act made in the 10th year of the reign of her late majesty queen Anne, it is enacted as follows: *videlicet*, That from and after the first day of May, which was in the year 1712, no person shall vote for the election of any knight of a shire within that part of Great Britain called England, in respect or in right of any lands or tenements which have not been charged or assessed to the public taxes, church rates, and parish duties in such

10 Anne, c. 23.
s. 2. how far
repealed.

proportion as other lands or tenements of forty shillings *per annum* within the same parish or township wherein the same shall lie or be, are usually charged; and whereas by an act of parliament made in the 12th year of the reign of her said late majesty queen Anne, for explaining the said recited clause, it is enacted, That the said act, or any thing therein contained, shall not extend or be construed to restrain any person from voting in such election of any knight of a shire within that part of Great Britain called England, in respect or in right of any rents, tythes, or other incorporeal inheritances, or any messuages or lands in extraparochial places, or any chambers in the inns of court or inns of chancery, or any messuages or seats belonging to any offices, in regard or by reason that the same have not been usually charged or assessed to all or any the public taxes, church rates, and parish duties as mentioned in the above recited act, or in respect or right of any other messuages or lands not herein-before specified in regard or by reason that the same have not been usually charged or assessed to all and every the public taxes, church rates, and parish duties aforesaid; provided that such messuages or lands have usually been charged or assessed to some one or more of the said public taxes, rates, or duties, in such proportion as other messuages or lands of forty shillings *per annum*, in the same parish or township where the same shall lie or be, are usually charged to the same: Be it enacted by the authority aforesaid, That so much of the said recited act as disables any person to vote for knights of shires in respect or in right of any lands or tenements which have not been charged or assessed as therein mentioned, shall from and after the said twenty-fourth day of June, be and is hereby repealed.

And 12 Anna,
st. 1. c. 5.

Repealed.

3. PROVIDED always, that from and after the said twenty-fourth day of June, no person shall vote for the electing of a knight or knights of the shire to serve in parliament, within that part of Great Britain called England, or the principality of Wales, in respect or in right of any messuages, lands, or tenements, which have not been charged or assessed towards some aid granted, or hereafter to be granted to his majesty, his heirs or successors, by a land tax in Great Britain, *twelve calendar months** next before such election.

Qualification
of electors.

Land-tax cri-
terion.

4. PROVIDED also, That this act, or any thing therein contained, shall not extend, or be construed to extend to restrain any person from voting in any such election of any knight or knights of a shire within that part of Great Britain called England, or the principality of Wales, in respect or in right of any rents or any chambers in the inns of court or inns of chancery, or any messuages or seats belonging to any offices, in regard or by reason that the same have not been usually charged or assessed to the aid commonly called the land tax; and that the acting commissioners of the land tax for the time being, or any three or more of them, at their meetings for the respective divisions, shall sign and seal one other duplicate of the copies of the respective as-

* Six months,
20 G. 3, c. 17.
s. 1.

Exception as
to chambers
or offices.

Duplicates of the land-tax assessments to be kept among the records of the sessions;

To be inspected, or copies taken.

Further qualifications of electors.

Penalty,

Public tax not to be deemed a charge on a freehold.

assessments, to be delivered to them by the several assessors after all appeals determined, and the same to deliver, or cause to be delivered, to the clerks of the peace for their respective counties, to be by them kept amongst the records of the sessions, to which all persons may resort at all seasonable times and inspect the same, paying sixpence for such inspection: and the said clerks of the peace or their deputies, are hereby required forthwith to give copies of the said duplicates or any part thereof, to any such person or persons who shall require the same, paying after the rate of sixpence for every three hundred words, and so in proportion for any greater or lesser number.

5. AND be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, 1745, no person shall vote in any such election without having a freehold estate in the county for which he votes, of the clear yearly value of *forty shillings over and above all rents and charges* payable out of or in respect of the same, or without having been in the actual possession, or in the receipt of the rents and profits thereof for his own use above *twelve calendar months*, unless the same came to him within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office, or shall vote in respect or in right of any freehold estate which was made or granted to him fraudulently, on purpose to qualify him to give his vote, or shall vote *more than once* at the same election, and if any person shall vote in any such election contrary to the true intent and meaning hereof, he shall forfeit to any candidate for whom such vote shall not have been given, and who shall first sue for the same, the sum of forty pounds to be recovered by him or them, his or their executors or administrators, together with full costs of suit, by action of debt in any of his majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance shall be admitted or allowed; and in every such action the proof shall lie on such person against whom the same was brought, unless the fact on which such action is grounded, be the having polled more than once at the same election.

6. AND be it declared by the authority aforesaid, That no public or parliamentary tax, county, church, or parish rate, or duty, or any other tax, rate, or assessment whatsoever, to be assessed or levied upon any county, division, rape, lathe, wapentake, ward, or hundred, is or shall be deemed or construed to be any charge payable out of or in respect of any freehold estate within the meaning and intention of this act, or of the oath or solemn affirmation herein-before directed to be administered to, and taken by, every freeholder if required as aforesaid.

7. AND be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, 1745, at every such election within that part of Great Britain called England, and dominion of Wales, the sheriff, or in his absence, the under sheriff, or such as he shall depute, shall appoint, make or erect, or cause to be appointed, made,

or erected, at the expence of the candidates, such number of convenient booths or places for taking the poll as *the candidates* or any of them shall three days at least before the commencement of the poll desire, so as the same do not exceed the number of rapes, lathes, wapentakes, wards, or hundreds within the said county, and not exceeding in the whole the number of fifteen; and shall affix or cause to be affixed on the most public part of each of the said booths or polling places the name or names of the rape, wapentake, lathes, ward, or hundred, or rapes, wapentakes, lathes, wards, or hundreds, for which such booth or polling place is allotted or designed; and the said sheriff, under sheriff, or such person as he shall depute, shall appoint a proper clerk or clerks at each of the said booths or polling places to take the poll, (which said clerk or clerks shall be at the expence of the candidates, and be paid not exceeding one guinea *per* day each clerk), and the said sheriff or under sheriff shall also make out a list for each of the said booths or polling places respectively, of all the several towns, villages, parishes, and hamlets, lying, or being wholly or in part in the rape, wapentake, lathes, ward, or hundred, or in the several rapes, wapentakes, lathes, wards, or hundreds, for which such booth or polling place is allotted or designed; and shall, upon request made, deliver a true copy thereof to any of the candidates, or their agents, who shall desire the same, taking for each of the said copies the sum of two shillings and no more.

Booths erected at the expence of candidates;

According to the hundreds, &c. and not exceeding 15.

Sheriff to appoint a clerk at each booth at the candidates' expence.

List of towns, &c. for each booth. Copies to be given 2s. each.

8. AND be it further enacted by the authority aforesaid, That no sheriff, under sheriff, or clerk, appointed to take the poll at any of the said booths or polling places, shall admit any person to vote for any lands, tenements, or other freehold estate, sworn by the said oath to be lying and being at some parish, town, or place, or parishes, towns, or places, which parish, town, or place, or parishes, towns, or places, or any of them, or any part of them, is not or are not mentioned in the list so made out for such booths or polling places as aforesaid, unless such lands, tenements, or estate lie or be in some town, liberty, or place not mentioned in any of the lists so made out for all the said booths or polling places as aforesaid.

Voting at booths regulated by the list.

Exception.

9. AND be it further enacted by the authority aforesaid, That the sheriff, or in his absence the under sheriff, or such as he shall depute, shall at every such election allow a cheque book for every poll book for each candidate, to be kept by the respective inspectors at every place where the poll for such election shall be taken or carried on.

A cheque book for every poll book allowed each candidate.

10. AND whereas by an act made in the 7th and 8th years of the reign of king William the Third, entitled, an act for further regulating election of members to serve in parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members, it is enacted, That upon every election to be made of any knight or knights of the shire, the sheriff of the county where such election shall be made, shall proceed to election at the next county court, unless the same fall

7 & 8 W. 3.

out to be held within six days after the receipt of the writ, or upon the same day, and then shall adjourn the same court to some convenient day, giving ten days notice of the time and place of election : and whereas sheriffs have frequently in such cases, where the county court fell out to be held within six days after the receipt of the writ, or upon the same day, made long adjournments of the same, in order to 'delay proceeding to election ;' for remedy thereof for the future, be it enacted by the authority aforesaid, that from and after the said 24th day of June, no sheriff shall in such case take upon himself to adjourn such court for longer than sixteen days, any law, usage, or custom, to the contrary notwithstanding.

Sheriff not to adjourn county court for longer than 16 days.

6 Geo. 2. c. 23. how far repealed.

11. AND whereas by An act made in the 6th year of the reign of his present majesty, intituled, An act to explain and amend an act made in the 7th and 8th years of the reign of king William the Third, intituled, an act for the further regulating elections of members to serve in parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members, so far as the same relates to holding of county courts, it is among other things enacted, that no county court whatsoever held within that part of Great Britain called England, shall be adjourned to a Monday, a Friday, or Saturday ; and that all and every such adjournment and adjournments and all and every act and deed done or performed at such courts so adjourned, shall be deemed, adjudged, and taken to be utterly null and void to all intents and purposes whatsoever ; and whereas the same has been found inconvenient ; be it therefore enacted by the authority aforesaid, that from and after the said twenty-fourth day of June, so much of the said act as is hereinbefore recited, shall be and is hereby repealed.

12. AND be it further enacted by the authority aforesaid, That in case any such sheriff or under-sheriff, who shall preside at any election of any such knight or knights of the shire within that part of Great Britain called England, or the dominion of Wales, shall wilfully offend against, or act contrary to the true intent and meaning of this act, every such sheriff or under-sheriff shall be liable to be prosecuted by information or indictment in his majesty's court of king's bench at Westminster, or in the courts of great session in the principality of Wales, or at the sessions held for the counties palatine of Chester, Lancaster, and Durham, or at the assize for the county, city, town, or place where such offence shall be committed, in which no *Noli prosequi*, or *Cesset processus*, shall be granted ; any law, custom, or usage to the contrary thereof, in any wise notwithstanding.

Sheriff, &c. offending to be prosecuted.

13. AND be it further enacted by the authority aforesaid, That it shall and may be sufficient, for the plaintiff in any action of debt given by this act, to set forth in the declaration or bill that the defendant is indebted to him in the sum of _____ and to allege the particular offence for which the action or suit is brought, and that the defen-

Proceeding in case of offence against this act.

dant had acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and it shall be sufficient in any indictment or information for any offence committed contrary to this act, to allege the particular offence charged upon the defendant; and that the defendant is guilty thereof, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any issue in such action, suit, indictment, or information, the plaintiff, prosecutor, or informer, shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant or authority to the sheriff, grounded upon any such writ of summons.

14. PROVIDED always, That every action, suit, indictment, or information given by this act, shall be commenced within the space of nine calendar months, after the fact upon which the same is grounded shall have been committed.

Limitation of actions.

15. AND be it further enacted by the authority aforesaid, That all the statutes of jeofails and amendments of law whatsoever, shall be construed to extend to all proceedings in any action, suit, indictment, or information given or allowed by this act, or which shall be brought in pursuance thereof.

Statutes of jeofails, &c. extended to proceedings on this act.

16. PROVIDED always, and be it further enacted by the authority aforesaid, That in case the plaintiff or informer in any action, suit, indictment, or information given by this act, shall discontinue the same or be nonsuited, or judgment be otherwise given against him; then, and in any of the said cases, the defendant against whom such action, suit, or information shall have been brought, shall recover his treble costs.

Treble costs.

ANNO 19^o GEORGI II. CAP. 28.

An Act for the better regulating of Elections of Members to serve in Parliament for such Cities and Towns, in that Part of Great Britain called England, as are Counties of themselves.

A. D. 1746.

‘ WHEREAS by an act made and passed in the last session of parliament, intituled, An act to explain and amend the laws touching the elections of knights of the shire to serve in parliament for that part of Great Britain called England, several good provisions were enacted for the better regulating the said elections: and whereas it is reasonable, that like provisions should be made for the due election of members to serve in parliament for such cities and towns in that part of Great Britain called England as are counties of themselves, and in which persons have a right to vote for electing such members for and in respect of freehold lands, tenements, or hereditaments, &c. of the yearly value of forty shillings:’ therefore, be it enacted, &c. that from and after the twenty-fourth day of June, 1746, every person demanding to vote for the election of any member to serve in parliament for such city or town being a county of itself, in that part of Great Britain called England, for and in

18 Geo. 2, c. 18.

Voters if required, to take the oath following, &c.

respect of any freehold estate of forty shillings a year; shall, before he is admitted to poll at the said election (if required by the candidates or any of them, or any person having a right to vote at the said election), first take the oath (or being a Quaker, the solemn affirmation) following, viz.

The oath.

' You shall swear (or being a Quaker, you shall solemnly affirm), That you have a freehold estate, consisting of (specifying the nature of such freehold estate, whether messuage, land, rent, tythe, or what else; and if such freehold estate consists in messuages, lands, or tythes, then specifying in whose occupation the same are; and if rent, then specifying the names of the owners, or possessors of the lands or tenements, out of which such rent is issuing, or some or one of them), lying or being in the city and county, or town and county, (as the case may be) of _____ of the clear yearly value of forty shillings over and above all rents and charges payable out of, or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof for your own use, above twelve kalendar months; or that the same came to you within the time aforesaid by descent, marriage, marriage settlement, devise or promotion to a benefice in a church, or by promotion to an office; and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at _____ in _____ and that you are twenty-one years of age, as you believe, and that you have not been polled before at this election.'

By whom administered.

Which oath (or solemn affirmation) the sheriff or sheriffs, by him or themselves, or his or their under-sheriff or under-sheriffs, or such sworn clerk or clerks as shall be by him or them appointed for the taking of the poll is and are hereby required to administer; and in case any freeholder or other person, taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; and if any person do unlawfully and corruptly procure or suborn any freeholder or other person to take the said oath or affirmation in order to be polled, whereby he shall commit such wilful perjury and shall be thereof convicted, he and they for every such offence shall incur such pains and penalties as are in and by two acts of parliament, (the one made in the 5th year of the reign of the late queen Elizabeth, intituled, An act for punishment of such persons as shall procure or commit wilful perjury: the other made in the 2d year of the reign of his present majesty, entitled, an act for the more effectual preventing and further punishment of forgery, perjury, subornation of perjury, and to make it felony to steal bonds, notes, and other securities for payment of money; directed to be inflicted for offences committed contrary to the said acts.

Perjury and subornation.

5 Eliz. c. 9.

And 2 Geo. 2. c. 25.

10 Annæ, c. 23.

2. AND whereas by an act made in the 10th year of the reign of Queen Anne, intituled, An act for the more effectual preventing fraudulent conveyances in order to multiply votes

for electing knights of shires to serve in parliament, it was enacted, that no person should vote for the electing a knight of the shire within that part of Great Britain called England, in respect or in right of any lands or tenements which had not been charged or assessed to the public taxes, church rates, and parish duties in such proportion as other lands or tenements of forty shillings *per annum* within the same parish or township where the same should lie or had been usually charged: and whereas by an act of parliament made in the 12th year of the reign of her said late majesty queen Anne for explaining the said recited clause, it is enacted, that the said act, or any thing therein contained shall not extend, or be construed to restrain any person from voting in such election of any knight of a shire within that part of Great Britain called England, in respect or in right of any rents, tithes, or other incorporeal inheritances, or any messuages or lands in extra-parochial places, or any chambers in the inns of court, or inns of chancery, or any messuages or seats belonging to any offices, in regard or by reason that the same have not been usually charged or assessed to all or any the public taxes, church rates, and parish duties aforesaid, or in respect or right of any other messuages or lands not therein before specified in regard or by reason that the same have not been usually charged or assessed to all and every the public taxes, church rates, and parish duties aforesaid, provided that such messuages or lands have usually been charged or assessed to some one or more of the said public taxes, rates, or duties, in such proportion as other messuages or lands of forty shillings *per annum*, in the same parish or township where the same shall lie or be, are usually charged to the same; which said provisions are recited in an act of parliament made in the 13th year of the reign of his present majesty, intituled, An act for the more effectually preventing fraudulent qualifications of persons to vote as freeholders in the election of members to serve in parliament for such cities and towns as are counties of themselves, in that part of Great Britain called England; and are therein enacted to extend and to be construed to extend to such lands or tenements for or in respect of which any person shall vote for the election of any member to serve in parliament for any such city or town as aforesaid, being a county of itself in that part of Great Britain called England: and whereas by an act passed in the last session of this present parliament, it is enacted, that so much of the said recited acts of the 10th and 12th years of the reign of the late queen Anne, as disables any person to vote for knights of shires in respect or in right of any lands or tenements which have not been charged or assessed as therein mentioned, shall be and is repealed: be it enacted by the authority aforesaid, that so much of the said recited act of the 13th year of the reign of his present majesty as extends the said provisions to such cities and towns that are counties of themselves as aforesaid, shall also from and after the said

12 Ann. st. 1.
c. 5.12 Ann. st. 1.
c. 5. recited.13 Geo. 2. c.
30.13 Geo. 2. c.
18.Part of 13 Geo.
2. repealed.

twenty-fourth day of June, 1746; be and it is hereby repealed.

3. PROVIDED always that from and after the said twenty-fourth day of June, 1746, no person shall vote for the electing a member or members to serve in parliament for such city or town, being a county of itself as aforesaid, within that part of Great Britain called England, in respect or in right of any freehold, messuages, lands, or tenements, of the yearly value of forty shillings as aforesaid, which have not been charged or assessed towards some aid granted or hereafter to be granted to his majesty, his heirs or successors by a land tax in Great Britain twelve kalendar months next before such election. Provided, that, nothing herein contained shall extend, or be construed to restrain any person from voting in any such election for cities and towns as are counties of themselves as aforesaid, in respect or in right of any rents, or any messuages or seats belonging to any officers in regard or by reason that the same have not been usually charged or assessed to the aid commonly called the land tax; and the acting commissioners of the land tax for the time being, or any three or more of them at their meetings, shall sign and seal one other duplicate of the copies of the assessment or assessments, to be delivered to them by the assessors after all appeals determined, and the same shall deliver or cause to be delivered to the persons officiating as clerks of the peace within the districts of the said cities and towns, being counties of themselves as aforesaid respectively, to be by them kept amongst the records of the sessions, to which all persons may resort at all reasonable times, and inspect the same, paying sixpence for such inspection; and the said persons officiating as clerks of the peace or their deputies, are hereby required forthwith to give copies of the said duplicates, or any part thereof, to any person or persons who shall require the same, paying after the rate of sixpence for every three hundred words, and so in proportion for any greater or less number.

4. AND be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, 1746, no person shall vote in such election of a member or members to serve in parliament for any city or town, being a county of itself, and in which persons have a right to vote for such members, for and in respect of lands, tenements, or hereditaments of the yearly value of forty shillings, unless such persons shall have a freehold estate in the city and county, or town and county for which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same, and shall have been in the actual possession or in receipt of the rents and profits thereof for his own use above *twelve kalendar months*, except the same came to him within the time aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office; and no person shall vote in respect or

Qualification of voters for cities or towns being counties.

Exception.

Duplicates of land tax assessments to be delivered to the clerks of the peace, &c. and filed.

Copies given to persons paying for them.

Voters to have freehold estates of 40s. &c.

And possession above twelve months.

Exception.

in right of any freehold estate which was made or granted to him fraudulently, on purpose to qualify him to give his vote, or shall vote more than once at the same election; and if any person shall vote in any such election contrary to the true intent and meaning hereof, he shall forfeit to any candidate for whom such vote shall not have been given, and who shall first sue for the same, the sum of forty pounds, to be recovered by him or them, his or their executors or administrators, together with full costs of suit, by action of debt in any of his majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance shall be admitted or allowed; and in every such action the proof shall lie on such person against whom the same was brought, unless the fact, on which such action is grounded, be the having polled more than once at the same election.

Penalty of fraudulent qualifications, &c.

The proof.

5. AND be it declared by the authority aforesaid, That no public or parliamentary tax, church or parish rate or duty, or any other tax, rate or assessment whatsoever, to be assessed or levied within such cities or towns, being counties of themselves as aforesaid, is or shall be deemed or construed to be any charge payable out of or in respect of any freehold estate, within the meaning and intention of this act, or of the oath or solemn affirmation herein-before directed to be administered to, and taken by, every freeholder, if required, as aforesaid.

Taxes.

6. AND be it further enacted by the authority aforesaid, That the sheriff or sheriffs of any city or town, being a county of itself, in that part of Great Britain called England, or in his or their absence, his or their under-sheriff or under-sheriffs, or such other person as he or they shall depute, shall, at every election of any member or members to serve in parliament for such city or town, allow a cheque book for every poll book for each candidate, to be kept by their respective inspectors, at the place where the poll for such election shall be taken or carried on.

A cheque book for every poll book.

7. AND be it further enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, 1746, the sheriff or sheriffs of every city or town being a county of itself, and having a right to elect a member or members of parliament by virtue of the writ issuing out of chancery, without any precept thereupon, within that part of Great Britain called England, shall forthwith, upon the receipt of the writ for the election of a member or members to serve in parliament for such city or town, cause public notice to be given of the time and place of election, and shall proceed to election thereupon within the space of eight days next after that of his receipt of the said writ, and give three days notice thereof at least, exclusive of the day of the receipt of the writ, and of the day of election.

Public notice, &c. of election.

Election within 8 days after receipt of the writ.

8. AND be it further enacted by the authority aforesaid, That in case any sheriff or under-sheriff presiding at any election of a member or members to serve in parliament for any such city or town, being a county of itself as aforesaid, within that part of Great Britain called England, shall wil-

Sheriffs of sending.

May be prosecuted in the king's bench, &c.
 fully offend against or act contrary to the true intent and meaning of this act, every such sheriff or under-sheriff shall be liable to be prosecuted by information or indictment in his majesty's court of king's bench at Westminster, or at the assizes for the city or town where such offence shall be committed, in which no *Noli. prosequi* or *Cesset processus* shall be granted; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Plaintiffs how to proceed.
 9. AND be it further enacted by the authority aforesaid, That it shall and may be sufficient for the plaintiff in any action of debt given by this act, to set forth in the declaration or bill, that the defendant is indebted to him in the sum of _____ and to allege the particular

offence for which the action or suit is brought, and that the defendant hath acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and it shall be sufficient in any indictment or information for any offence committed contrary to this act to allege the particular offence charged upon the defendant, and the defendant is guilty thereof, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any issue in any such action, suit, indictment, or information, the plaintiff, prosecutor, or informer, shall not be obliged to prove the writ of summons to parliament or the return thereof, or any warrant or authority to the sheriff or sheriffs grounded upon any such writ of summons.

Suits to be commenced within nine months.

10. PROVIDED always, That every action, suit, indictment, or information, given by this act, shall be commenced within the space of nine calendar months after the fact upon which the same is grounded shall have been committed.

Statutes of jeofails extended to such proceedings.

11. AND be it further enacted by the authority aforesaid, That all the statutes of jeofails and amendments of the law whatsoever, shall and may be construed to extend to all proceedings in any action, suits, indictment, or information, given or allowed by this act, or which shall be brought in pursuance thereof.

Plaintiff discontinuing, &c. treble costs.

12. PROVIDED always, and be it further enacted by the authority aforesaid, That in case the plaintiff or informer in any action, suit, indictment, or information given by this act, shall discontinue the same or be nonsuited, or judgment be otherwise given against him, then and in any of the said cases, the defendant against whom such action, suit, or information shall have been brought, shall recover his treble costs.

Limitation of this act.

13. PROVIDED always, and be it enacted by the authority aforesaid, That this act, or any thing therein contained (other than, and except such clauses and provisions as are by this act made for or concerning allowing cheque books, or for or concerning notice to be given of the time and place of election, and proceeding to election thereupon) shall not extend, or be construed to extend, to any city or town, being a county of itself, or to any person or persons, where the right of voting for any member or mem-

bers of any such city or town is, for or in respect of burgage tenure, or where the right of voting for such member or members for or in respect of a freehold, does not require the same to be of the yearly value of forty shillings.

ANNO 31^o GEORGE II. CAP. 14.

An Act for further explaining the Laws touching the Electors of Knights of the Shire to serve in Parliament for that Part of Great Britain called England. A. D. 1757.

WHEREAS by an act made in the 18th year of the reign of his present majesty, intituled, 'An act to explain and amend the laws touching the elections of knights of the shire, to serve in parliament for that part of Great Britain called England,' it is enacted, That no person shall vote at the election of any knight or knights of a shire, within that part of Great Britain called England, or principality of Wales, without having a freehold estate in the county for which he votes, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same; and whereas notwithstanding the said act, certain persons who hold their estates by copy or court roll pretend to have a right to vote and have, at certain times, taken upon them to vote at such elections: Be it therefore enacted, &c. That 'from and after the twenty-fourth day of June, 1758, no person who holds his estate by copy of court roll shall be entitled thereby to vote at the election of any knight or knights of a shire, within that part of Great Britain called England, or principality of Wales; and if any person shall vote in any such election, contrary to the true intent and meaning hereof, every such vote shall be void to all intents and purposes whatsoever; and every person so voting, shall forfeit to any candidate for whom such vote shall not have been given, and who shall first sue for the same, the sum of fifty pounds; to be recovered by him or them, his, her, or their executors and administrators, together with full costs of suit, by action of debt in any of his majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof shall lie on the person against whom such action shall be brought.

Copyholders disabled for voting for knights of the shire.

Penalty.

Onus probandi.

2. AND be it further enacted by the authority aforesaid, That it shall and may be sufficient for the plaintiff in any such action of debt to set forth in the declaration or bill, that the defendant is indebted to him in the sum of fifty pounds, and to allege the offence for which the action or suit is brought, and that the defendant hath acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and upon trial of any issue in any such action or suit, the plaintiff shall not be obliged to prove the writ of summons to parliament or the return thereof, or any warrant or authority to the sheriff grounded upon any such writ of summons.

Plaintiff's plea in the action upon the case.

Limitation of actions.

3. PROVIDED always, That every such action or suit shall be commenced within the space of nine kalendar months next after the fact, upon which the same is grounded, shall have been committed.

Statutes of jeofails, &c. extended to suits.

4. AND be it further enacted by the authority aforesaid, That all the statutes of jeofails, and amendments of the law whatsoever, shall and may be construed to extend to all proceedings in any such action or suit.

Plaintiff nonsuited, &c. treble costs.

5. PROVIDED always, and be it further enacted by the authority aforesaid, That in case the plaintiff in any such action or suit shall discontinue the same, or be nonsuited, or judgment be otherwise given against him; then, and in any of the said cases, the defendant, against whom such action or suit shall have been brought, shall recover his treble costs.

ANNO 33^o GEORGII II. CAP. 30.

An Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit in the House of Commons.
A. D. 1759.

Preamble reciting clauses in act.

9 Anne, c. 5.
2 G. 2, c. 24.
15 G. 2, c. 22.
18 G. 2, c. 18.
19 G. 2, c. 23.
31 G. 2, c. 14.

WHEREAS by an act passed in the 9th year of the reign of her late majesty queen Anne, intituled, 'An act for securing the freedom of parliaments, by the farther qualifying the members to sit in the house of commons,' it was enacted, That no person should be capable to sit or vote, as a member in the house of commons, for any county, city, borough, or cinque port, within that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, who should not have an estate, freehold or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own use and benefit, of or in lands, tenements or hereditaments, over and above what would satisfy and clear all incumbrances that might affect the same, lying or being within that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, of the respective annual value therein limited; viz. the annual value of six hundred pounds, above reprises, for every knight of a shire; and the annual value of three hundred pounds, above reprises, for every citizen, burgess, or baron of the cinque ports: Now, in order to enforce and render the said act more effectual, Be it enacted, &c. That from and after the determination of this present parliament, every person, except as is herein-after excepted, who shall be elected a member of the house of commons, shall, before he presumes to vote in the house of commons, or sit there during any debate in the said house of commons after their speaker is chosen, produce and deliver in to the clerk of the said house, at the table in the middle of the said house, and whilst the house of commons is there duly sitting, with their speaker in the chair of the said house, a paper or account, signed by every such member, containing the name or names of the parish, township, or precinct, or of the several parishes, townships, or precincts, and also of

All members in future parliaments (not particularly excepted), before they act, are to deliver in at the table, while the house is sitting, a signed schedule of their respective qualifications.

the county, or of the several counties, in which the lands, tenements, or hereditaments, do lie, whereby he makes out his qualification, declaring the same to be of the annual value of six hundred pounds, above reprises, if a knight of the shire; and of the annual value of three hundred pounds, above reprises, if a citizen, burgess, or baron of the cinque ports; and shall also, at the same time, take and subscribe the following oath; and take and subscribe the following oath;

‘I, A. B. do swear, That I truly and *bona fide* have such an estate in law or equity, and of such value, to and for my own use and benefit, of or in lands, tenements, or hereditaments, over and above what will satisfy and clear all incumbrances that may affect the same, as doth qualify me to be elected and returned to serve as a member for the place I am returned for, according to the tenor and true meaning of the acts of parliament in that behalf; and that such lands, tenements, or hereditaments, do lie as described in the paper or account signed by me, and now delivered to the clerk of the house of commons.

‘So help me God.’

AND the said house of commons is hereby empowered and required to administer the said oath and subscription, according to the directions of this act, as occasion shall be, from time to time to every person duly demanding the same, immediately after such person shall have taken the oaths of allegiance, supremacy, and abjuration, at the said table: and the said oath and subscription herein before directed to be taken and made, shall be entered in a parchment roll, to be provided for that purpose by the clerk of the house of commons; and the said papers or accounts, so signed and delivered in to the said clerk as aforesaid, shall be filed and carefully kept by him. which is to be administered by the house, and enrolled, after the usual oaths of qualification have been taken;

2. AND be it further enacted by the authority aforesaid, That if any person who shall be elected to serve in any future parliament as a knight of a shire, or as a citizen, burgess, or baron of the cinque ports, shall presume to sit or vote as aforesaid as a member of the house of commons, before he has delivered in such paper or account, and taken and subscribed such oath as aforesaid, or shall not be qualified according to the true intent and meaning of the said recited act, and of this act; his election shall be and is hereby declared to be void, and a new writ shall be issued to elect another member in the said person's room. and the schedules to be filed.

3. PROVIDED always, That nothing in this act contained, shall extend to the eldest son or heir-apparent of any peer or lord of parliament, or of any person qualified to serve as a knight of a shire, or to the members for either of the universities in that part of Great Britain called England, or to the members of that part of Great Britain called Scotland. Any member presuming to act contrary thereto, or without being duly qualified, his election is void, and a new writ to issue.

Persons excepted out of the general qualification.

ANNO 3^o GEORGII III. CAP. 15.

An Act to prevent occasional Freemen from voting at Elections of Members to serve in Parliament for Cities and Boroughs.
A. D. 1762.

Freemen not to vote unless admitted to their freedom twelve months before the election.

Penalty.

Exceptions.

Penalty of antedating admission.

Books and papers of admission to be open to inspection, upon demand of candidate, his agent, or two freemen, upon payment of 1s.

Copies and minutes of the admission to be given, paying reasonably for writing the

WHEREAS great abuses have been committed in making freemen of corporations, in order to influence elections of members to serve in parliament, to the great infringement of the rights of freemen of such corporations, and of the freedom of elections; to prevent such practices for the future, Be it enacted, &c. That from and after the first day of May, 1763, no person whatsoever claiming as a freeman to vote at any election of members to serve in parliament for any city, town, port, or borough in England, Wales, and the town of Berwick upon Tweed, where such voter's right of voting is as a freeman only, shall be admitted to give his vote at such election, unless such person shall have been admitted to the freedom of such city, town, port, or borough, *twelve kalendar months before the first day of such election*; and if any person shall presume to give his vote as a freeman at any election of members to serve in parliament, contrary to the true intent and meaning of this act, he shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same; and the vote given by such person shall be void and of no effect.

2. PROVIDED always, That nothing herein contained shall extend, or be construed to extend, to any person entitled to his freedom by birth, marriage, or servitude, according to the custom or usage of such city, town, port, or borough.

3. AND be it further enacted by the authority aforesaid, That if any mayor, bailiff, sheriff, town clerk, or other officer of any corporation, or other person whatsoever, shall wilfully and fraudulently antedate, or cause to be antedated, any admission of any freeman, such mayor, bailiff, sheriff, town clerk, officer, or other person, shall, for every such offence, forfeit and pay the sum of five hundred pounds to him, her, or them, who shall inform and sue for the same.

4. AND be it further enacted by the authority aforesaid, That the mayor, bailiff, sheriff, town clerk, or other officer of any corporation, having the custody of, or power over, the records of the same, shall, upon the demand of any candidate, or his agent, or any two freemen, on the payment of one shilling, permit such candidate, agent, or freemen, between the hours of nine in the morning and three in the afternoon, at any time before, and within one month after, any such election as aforesaid, to inspect the books and papers wherein the admission of freemen shall be entered; and to have copies or minutes of the admission of so many freemen as such candidate, agent, or freemen, shall think fit, upon paying to such mayor, bailiff, sheriff, town clerk, or other officer, a reasonable charge for writing

the same; and such books and papers shall, if demanded by such candidate, agent, or freemen, be produced by such mayor, bailiff, sheriff, town clerk, or other officer, at every election, and be referred to, in case any dispute shall arise touching the right of any person to give his vote thereat; and if such mayor, bailiff, sheriff, town clerk, or other officer, shall refuse or deny such candidate, agent, or freemen, the inspection of such books and papers, or to have copies or minutes thereof, or shall refuse or neglect to produce such books and papers at any election, if demanded and paid for in the manner herein-before set forth, such mayor, bailiff, sheriff, town clerk, or other officer, shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall inform and sue for the same. same; and the books, &c. to be produced, if demanded, at every election. Penalty.

5. AND be it further enacted by the authority aforesaid, That all forfeitures or penalties laid or imposed by this act, shall be recovered, with full costs of suit, by action of debt, bill, plaint or information, in any of his majesty's courts of record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance shall be allowed. How recovered.

6 PROVIDED always, and it is hereby further enacted and declared, by the authority aforesaid, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within one year after such forfeiture or penalty shall be incurred. If prosecution be commenced within a year.

7. AND be it further enacted by the authority aforesaid, That the returning officer shall read, or cause to be read, openly, this act, at the time of election of members to serve in parliament for cities, towns, ports, or boroughs, where the right of election is in the whole, or in part, in freemen as aforesaid, immediately after the reading of the act passed in the 2nd year of his late majesty's reign, intitled, An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament. This act to be openly read by the returning officer, at all elections by freemen, immediately after act 2, Geo. 2.

8. AND be it further enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to the cities of London or Norwich. Not to extend to London or Norwich.

ANNO 3^o GEORGIÆ III. CAP. 24.

An Act to prevent fraudulent and occasional Votes in the Elections of Knights of the Shire, and of Members for Cities and Towns which are Counties of themselves, so far as relates to the Right of Voting by virtue of an Annuity or Rent Charge. A. D. 1762.

WHEREAS annuities or rent charges granted for a life or lives, or a greater estate, issuing out of freehold lands or tenements, are of a private nature, and therefore liable to fraudulent practices in the elections of knights of shires, to the prejudice of the candidates, and of those who have just right to vote at such elections; and whereas the right

Annuity no qualification, unless certified to the clerk of the peace.

of election of members to serve in parliament for several cities and towns which are counties of themselves, in that part of Great Britain called England, is vested partly, or in the whole, in freeholders, in respect of freeholds of the yearly value of forty shillings, lying within such cities and towns; and whereas annuities and rent charges for a life or lives, or a greater estate, issuing out of such freehold lands or tenements, are liable to the like fraudulent practices: for remedy whereof, Be it enacted, &c. That from and after the first day of August, 1764, no person shall vote for electing any knight or knights of a shire, citizen or citizens, Burgess or burgesses, of any such city or town for that part of Great Britain called England, for or in respect of any annuity or rent charge issuing out of freehold lands or tenements, and granted before the first day of June, 1763, unless a certificate, upon oath, shall have been entered *twelve kalendar months*, at least, before the first day of such election, with the clerk of the peace for the county, riding, or division, or with the clerk of the peace, town clerk, or other public officer, having the custody of the records within such city or town where such lands or tenements do lie, as follows, (that is to say,)

"I, A. B. of _____ am really and *bona fide* seized of an annuity or rent charge, for my own use and benefit, of the clear yearly value of forty shillings, above all rents and charges payable out of the same, wholly issuing out of freehold lands, tenements, or hereditaments, belonging to C. D. of _____ situate, lying, and being, in the parish, township or place, or in the parishes, townships; or places of E. in the county of _____ without any trust, agreement, matter, or thing to the contrary notwithstanding; and I, or the person or persons under whom I claim, was or were seized of the said annuity or rent charge before the first day of June, 1763."

The like with respect to such qualifications as come by descent, marriage, devise, presentation, or promotion, &c.

2. AND be it further enacted by the authority aforesaid, That no person shall vote for the electing any knight or knights of a shire, or for a citizen or citizens, Burgess or burgesses, of any such city or town, for that part of Great Britain called England, in respect of any annuity or rent charge issuing out of freehold lands, tenements, or hereditaments, which shall come to such person by descent, marriage, marriage settlement, devise, or presentation to a benefice in a church, or promotion to an office, within twelve kalendar months next before such election respectively, unless a certificate upon oath, or affirmation if a *Quaker*, shall have been entered with the clerk of the peace, town clerk, or other officer as aforesaid, before the first day of such election, as follows; that is to say,

"I, A. B. of _____ am really and *bona fide* seized of an annuity or rent charge, to my own use and benefit, of the clear yearly value of forty shillings a year, above all rents and charges payable out of the same, wholly issuing out of freehold lands, tenements, or hereditaments, belonging to C. D. of _____ situate, lying, and being in the parish, township, or place, or in the

parishes, townships, or places of in the
 county of without any trust, agreement,
 matter, or thing to the contrary notwithstanding; and if
 became seized of the said annuity or rent charge, on the
 day of last past, by
 descent or otherwise" (*as the case may happen.*)

3. AND be it further enacted by the authority aforesaid,
 That from and after the first day of August, 1764, no
 person shall vote at any election of a knight or knights
 of the shire, or of any citizen or citizens, burgess or bur-
 gesses, of any such city or town, within that part of Great
 Britain called England, for or in respect of any annuity or
 rent charge to be granted after the said first day of June,
 1763, unless a memorial of the grant of such annuity or
 rent charge shall have been registered with the clerk of the
 peace of the county, riding, or division, or with the clerk
 of the peace, town clerk, or other public officer, having the
 custody of the records, within such city or town where
 the lands or tenements out of which such annuity or rent
 charge issues shall lie, twelve kalendar months at least
 before the first day of such election; which memorial shall
 be wrote on parchment, and directed to such clerk of the
 peace, town clerk, or other public officer, and shall be
 under the hand and seal of the grantor or grantors, and
 attested by two witnesses, one whereof to be one of the
 witnesses to the execution of such grant; which witness
 shall, upon oath, before such clerk of the peace, town
 clerk, or other officer as aforesaid, or their deputies, prove
 the sealing and delivering of such grant, and the signing
 and sealing of such memorial; and which memorial shall
 contain the day and year of the date, and the names, addi-
 tions, and abodes, of the parties and witnesses, and all the
 lands and tenements out of which the annuity or rent
 charge issues, and the parish, township, or place, or the
 parishes, townships, and places, where such lands and
 tenements lie; and that every such grant, of which such
 memorial is so to be registered, shall at the time of enter-
 ing such memorial, be produced to such clerk of the peace,
 town clerk, or other officer, as aforesaid, or their deputies,
 who shall thereon indorse a certificate, in which shall be
 mentioned the day and year on which such memorial shall
 be so entered.

Memorial of
 annuity or
 rent charge
 required.

Manner of re-
 gistering the
 grant.

4. AND be it further enacted, by the authority aforesaid,
 That from and after the said first day of August, 1764, no
 person shall vote at any election of a knight or knights of
 the shire, or of any citizen or citizens, burgess or burgesses
 of any such city or town, in that part of Great Britain
 called England, by reason of an assignment of any annuity
 or rent charge, or any part or parts thereof, made before
 the said first day of June, 1763, unless a certificate of such
 assignment upon oath, to the purport herein-before men-
 tioned, with respect to an original annuity or rent charge,
 shall have been entered with such clerk of the peace, town
 clerk, or other officer as aforesaid, twelve kalendar months
 at least before the first day of such election; and that no

Persons not to
 vote in right
 of any assign-
 ment of any
 annuity or
 rent charge
 made before
 1763.

unless a cer-
 tificate of the
 original annu-
 ity be entered
 as aforesaid:

if the assignment be made after the said 1st June, a memorial, &c. to be attested and registered as directed in cases of original grants.

person shall vote at any such election as aforesaid, by reason of an assignment of any annuity or rent charge, or any part or parts thereof, made after the first day of June, 1763, unless a memorial of such assignment, and also a memorial of the grant of such annuity or rent charge of which such assignment shall be made, shall have been attested and registered twelve calendar months at least before the first day of such election, in the same manner as is herein-before directed with respect to the memorial of an original grant or rent charge.

Books to be kept by officers for entering such certificates, &c.

Fees for entry, and search,

and for copies.

Officer may administer an oath. Copies attested by the proper officer legal evidence.

Memorials of grants or assignments made and executed above 40 miles from the office of clerk of the peace, &c. how to be registered.

5. AND be it further enacted by the authority aforesaid, That the clerk of the peace for every county, riding or division, and the clerk of the peace, town clerk, or other officer as aforesaid, of every such city or town, shall keep a book or books for the entering of every such certificate and memorial, and shall be allowed for the entry of every such certificate the sum of one shilling, and of every such memorial, two shillings, and no more; and for every search for any certificate or memorial, one shilling and no more: and that any person or persons may, at all seasonable times, resort to, and inspect the certificates, memorials, and books of entries thereof; and such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, is hereby directed and required forthwith to give a copy of any certificate or memorial to any person or persons who shall desire the same, paying for such copy, if it contains not more than two hundred words, the sum of six-pence; and so in proportion for any greater number of words; and such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, is hereby empowered to administer an oath in all cases where an oath is required by this act; and true copies of the aforesaid certificates and memorials attested by such respective clerks of the peace, town clerk, or other officer as aforesaid, or their deputies, shall, at all times, be allowed and admitted as legal evidence in all cases whatsoever.

6. PROVIDED always, and be it further enacted by the authority aforesaid, That a memorial of such grant or assignment as shall be made and executed in any place not within forty miles of the office of the clerk of the peace for the respective county, riding or division, or of the town clerk or other officer as aforesaid, shall be entered and registered by such clerk of the peace, town clerk, or other officer as aforesaid, or their deputies, in case an affidavit sworn, or affirmation of a *Quaker*, before one of the judges at Westminster, or a master in chancery ordinary or extraordinary, be brought with the said memorial to the said clerk of the peace, town clerk, or other officer, as aforesaid, wherein one of the witnesses to the execution of such grant or assignment shall swear that he or she saw the same executed; and the same shall be a sufficient authority to the clerk of the peace, town clerk, or other officer, or their deputies, to give the party that brings such memorial a certificate of the registering such memorial; which certificate, signed by the said clerk of the peace, town clerk, or

other officer, as aforesaid, or their deputies, shall be taken and allowed as evidence of the registry of the same memorial in all courts of record whatsoever; any thing herein contained to the contrary notwithstanding.

7. AND be it further enacted by the authority aforesaid, That the clerk of the peace of every county, riding, or division, and the clerk of the peace, town clerk, or other officer, as aforesaid, of every such city or town, or their deputies, shall upon reasonable notice, attend at any such election with the book or books of entries of every such certificate and memorial, at the request of any candidate or candidates; he or they making him reasonable satisfaction for such attendance.

Officer, or deputy, to attend, upon reasonable notice and satisfaction, with the books of entries at elections.

8. AND be it further enacted by the authority aforesaid, That if any clerk of the peace, town clerk, or other officer, as aforesaid, shall be guilty of any wilful neglect, misdemeanor, or fraudulent practice, contrary to the true intent and meaning of this act, every such clerk of the peace, town clerk, or other officer, as aforesaid, shall for every such offence, forfeit one hundred pounds to the person who shall sue for the same, by action of debt, bill, plaint or information, in any of his majesty's courts of record at Westminster; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Penalty on officer guilty of neglect, &c.

Penalty.

9. PROVIDED always, and it is hereby further enacted and declared by the authority aforesaid, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such forfeiture or penalty shall be incurred.

Limitation of prosecution.

ANNO 10^o GEORGH III. CAP. 16.

An Act to regulate the Trials of controverted Elections or Returns of Members to serve in Parliament. A. D. 1770.

WHEREAS the present mode of decision upon petitions, complaining of undue elections or returns of members to serve in parliament, frequently obstructs public business; occasions much expence, trouble and delay to the parties; is defective, for want of those sanctions and solemnities which are established by law in other trials; and is attended with many other inconveniences: for remedy thereof be it enacted, &c. That after the end of the present session of parliament, whenever a petition complaining of an undue election or return of a member or members to serve in parliament, shall be presented to the house of commons, a day and hour shall by the said house be appointed for taking the same into consideration; and notice thereof in writing shall be forthwith given, by the speaker, to the petitioners and the sitting members, or their respective agents, accompanied with an order to them to attend the house, at the time appointed, by themselves, their counsel, or agent.

After the present session, on complaint of undue election, &c. a precise time to be fixed for considering thereof.
Speaker to give notice thereof, and order attendance.

2. PROVIDED always, That no such petition shall be taken

But not within 14 days after appointment of committee of privileges.

House may alter the time on like notice and order.

Serjeant at arms, before the reading of the order of the day, to require the attendance of the members: At his return, house to be counted. For want of 100 members, to adjourn.

Till 100 be present.

In presence of 100, The petitioners, &c. to be ordered to the bar.

Names of the members to be put into six boxes or glasses; to be drawn alternately, and read by the speaker, till 49 be drawn.

Voting members at the election, or complainants.

into consideration within fourteen days after the appointment of the committee of privileges.

3. PROVIDED also, That the house may alter the day and hour so appointed for taking such petition into consideration, and appoint some subsequent day and hour for the same as occasion shall require; giving to the respective parties the like notice of such alteration, and order to attend on the said subsequent day and hour, as aforesaid.

4. AND be it further enacted, That at the time appointed for taking such petition into consideration, and previous to the reading of the order of the day for that purpose, the serjeant at arms shall be directed to go with the mace to the places adjacent, and require the immediate attendance of the members on the business of the house; and that after his return the house shall be counted, and if there be less than one hundred members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the following day, (*Sunday* and *Christmas-day* always excepted;) and the house shall then adjourn to the said day; and the proceedings of all committees, subsequent to such notice from the said serjeant, shall be void; and, on the said following day, the house shall proceed in the same manner; and so from day to day, till there be an attendance of one hundred members at the reading of the order of the day, to take such petition into consideration.

5. AND be it further enacted, That if after summoning the members, and counting the house as aforesaid, one hundred members shall be found to be present, the petitioners, by themselves, their counsel, or agents, and the counsel or agents of the sitting members, shall be ordered to attend at the bar, and then the door of the house shall be locked, and no member shall be suffered to enter into or depart from the house until the petitioners, their counsel, or agents, and the counsel or agents for the sitting members, shall be directed to withdraw, as hereinafter is mentioned; and when the door shall be locked as aforesaid, the order of the day shall be read, and the names of all the members of the house, written or printed on distinct pieces of parchment or paper, being all as near as may be of equal size, and rolled up in the same manner, shall be put in equal numbers into six boxes or glasses, to be placed on the table for that purpose, and shall there be shaken together; and then the clerk or clerk assistant attending the house shall publicly draw out of the said six boxes or glasses, alternately, the said pieces of parchment or paper, and deliver the same to the speaker, to be by him read to the house; and so shall continue to do, until forty-nine names of the members then present be drawn.

6. PROVIDED always, That if the name of any member who shall have given his vote at the election so complained of as aforesaid, or shall be a petitioner complaining of an undue election or return, or against whose return a petition shall be then depending, or whose return shall not have

been brought in fourteen days, shall be drawn; his name shall be set aside, with the names of those who are absent from the house. to be set aside.

7. PROVIDED also, That if the name of any member of sixty years of age or upwards be drawn, he shall be excused from serving on the select committee, to be appointed as herein-after is mentioned, if he require it, and verify the cause of such requisition upon oath. All above 60 years old excused,

8. PROVIDED also; That if the name of any member who has served in such select committee during the same session be drawn, he shall, if he require it, be excused from serving again in any such select committee, unless the house shall, before the day appointed for taking the said petition into consideration, have resolved, that the number of members who have not served on such select committee, in the same session, is insufficient to fulfil the purposes of this act, respecting the choice of such select committee. Or those who have served on select committees in the same session. Unless the number who have not served be insufficient.

9. PROVIDED always, That no member, who after having been appointed to serve in any such select committee shall, on account of inability or accident, have been excused from attending the same throughout, shall be deemed to have served on any such select committee. Members excused shall not be deemed to have served.

10. AND be it further enacted, That if any other member shall offer and verify upon oath any other excuse, the substance of the allegations so verified upon oath shall be taken down by the said clerk, in order that the same may be afterwards entered on the journals, and the opinion of the house shall be taken thereon; and if the house shall resolve, that the said member is unable to serve, or cannot without great and manifest detriment serve, in such select committee, he also shall be excused from such service. Members verifying other excuses, allegation to be entered. And if the house resolve that they are unable, &c. are to be excused,

11. AND be it further enacted, That instead of the members so set aside and excused, the names of other members shall be drawn; who may, in like manner, be set aside or excused, and others drawn to supply their places, until the whole number of forty-nine members, not liable to be so set aside or excused, shall be complete; and the petitioners, or their agents, shall then name one, and the sitting members, or their agents, another, from among the members then present, whose names shall not have been drawn, to be added to those who shall have been so chosen by lot. Instead of whom others to be drawn to complete the number 49, &c. Petitioners may name one, and sitting members another,

12. PROVIDED always, That either of the members so nominated shall or may be set aside, for any of the same causes as those chosen by lot; or shall, if he require it, be excused from serving on the said select committee; and the party who nominated the member so set aside or excused, shall nominate another in his stead, and so continue to do as often as the case shall happen, until his nominee is admitted. who may for like causes be set aside, or excused, and others named.

13. AND be it further enacted, That as soon as the said forty-nine members shall have been so chosen by lot, and the two members to be added thereunto shall have been so nominated as aforesaid, the door of the house shall be opened, and the house may proceed upon any other business; and lists of the forty-nine members so chosen by lot shall then Door to be opened, and the house may proceed on other business.

Lists of the 49 to be then given to the petitioners; &c.

Who with the clerk are to withdraw, and to strike off one alternately, till the number be reduced to 13: Clerk within one hour to deliver a list of them;

and they with the nominees, shall be sworn a select committee.

House to order them to meet in 24 hours.

On withdrawing the members not to depart till meeting of committee be fixed.

Petitioners, &c. declaring that any member drawn is intended for a nominee,

and member consenting thereto, he is to serve as such, and another to be drawn to supply his place;

But on neglect of nomination, deficiencies to be supplied by lot;

leaving always 15 as a select committee.

Previous to taking petition

be given to the petitioners, their counsel, or agents, and the counsel or agents for the sitting members, who shall immediately withdraw, together with the clerk appointed to attend the said select committee; and the said petitioners and sitting members, their counsel or agents, beginning on the part of the petitioners, shall alternately strike off one of the said forty-nine members, until the said number shall be reduced to thirteen; and the said clerk, within one hour at furthest from the time of the parties withdrawing from the house, shall deliver in to the house the names of the thirteen members then remaining; and the said thirteen members, together with the two members nominated as aforesaid, shall be sworn at the table, well and truly to try the *matter of the petition* referred to them, and a true judgment to give according to the evidence; and shall be a select committee to try and determine the merits of the return or election appointed by the house to be that day taken into consideration; and the house shall order the said select committee to meet at a certain time to be fixed by the house, which time shall be within twenty-four hours of the appointment of the said select committee, unless a *Sunday* or *Christmas-day* shall intervene: and the place of their meeting and sitting shall be some convenient room or place adjacent to the house of commons, or court of requests, properly prepared for that purpose.

14. PROVIDED always, That on the parties withdrawing as aforesaid, the house shall continue sitting; and the said fifty-one members, so chosen and nominated, shall not depart the house till the time for the meeting of the said select committee shall be fixed.

15. PROVIDED always, and be it further enacted, That if upon the drawing out of the name of any member by lot, as aforesaid, the said petitioners or sitting members, or their agents, shall declare, that such member is intended to be one of the two nominees to be nominated by them respectively, and if such member shall consent to such nomination, the name of such member so drawn by lot shall be set aside, and, unless objected to as aforesaid, he shall serve as such nominee, and the name of another member shall be drawn to supply his place, to complete the number of forty-nine members to be drawn by lot; and if the said petitioners or sitting members, or their agents, shall not respectively nominate a member then present, who shall be admitted according to the directions of this act, then the want of such nomination shall be supplied, by drawing out, instead thereof, the name of one or two members, as the case shall require; who shall be drawn by lot in the like manner, and subject to the like objections and excuses as the other forty-nine members already drawn by lot, and shall be added to the lists of the said forty-nine members, and shall be liable to be struck off in the same manner; leaving always the number of fifteen members in the whole, and no more, as a select committee for the purposes aforesaid.

16. AND, for the greater dispatch and certainty in the proceeding herein-before described, be it further enacted;

That the names of all the members so written and rolled up as herein-before directed, shall, previous to the day appointed for taking any such petition into consideration, be prepared by the said clerk, or clerk assistant, and by him put into a box or parcel, in the presence of the speaker, together with an attestation, signed by the said clerk, or clerk assistant, purporting that the names of all the members were by him put therein the

into consideration,

Clerk to put the names of the members drawn into a box or parcel, and attest the day of same-

in the year

which said box or parcel the speaker shall seal with his own seal; and to the outside thereof shall annex an attestation, signed by himself, purporting, that the said box or parcel was on the

Speaker to seal the same, and attest the making up thereof in his presence.

day of in the year

made up in his presence, in the manner directed by this act; and that as soon as the parties shall be withdrawn as aforesaid, and before the house shall enter on any other business, any member may require, that the names of all the members, which remain undrawn, shall be drawn, and read aloud by the said clerk or clerk assistant.

Names of members undrawn may be read by the clerk.

17. AND be it further enacted, That the said select committee shall, on their meeting, elect a chairman from among such of the members thereof as shall have been chosen by lot; and if in the election of a chairman there be an equal number of voices, the member whose name was first drawn in the house shall have a casting voice; so likewise in case there should ever be occasion for electing a new chairman, on the death, or necessary absence of the chairman first elected.

Chairman to be elected out of members chosen by lot.

On equality, member first drawn to have a casting voice.

18. AND be it further enacted, That the said select committee shall have power to send for persons, papers, and records; and shall examine all the witnesses who come before them upon oath; and shall try the merits of the return, or election, or both; and shall determine, by a majority of voices of the said select committee, whether the petitioners or the sitting members, or either of them, be duly returned or elected, or whether the election be void; which determination shall be final between the parties to all intents and purposes; and the house, on being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for confirming or altering the return, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

Select committee empowered to send for persons, &c. Examine witnesses,

And determine finally.

House thereupon to confirm, or alter the return;

19. AND be it further enacted, That the said select committee shall sit every day (*Sunday* and *Christmas-day* only excepted) and shall never adjourn for a longer time than twenty-four hours, unless a *Sunday* or a *Christmas-day* intervene, without leave first obtained from the house, upon motion, and special cause assigned for a longer adjournment: and in case the house shall be sitting at the time to which the said select committee is adjourned, then the business of the house shall be stayed, and a motion shall be made for a further adjournment, for any time to be fixed by the house, not exceeding twenty-four hours, unless a *Sunday* or *Christmas-day* intervene.

Or issue writ for new election.

Select committee not to adjourn for more than 24 hours without leave.

If house then sitting, business to be stayed,

And motion made for further adjournment.

Sunday or Christmas-day intervening not to be deemed included.

20. AND be it further enacted, That where the time prescribed by this act for the meeting, sitting or adjournment of the said select committee, shall, by the intervention of a *Sunday or Christmas-day*, exceed twenty-four hours, such meeting, sitting, or adjournment, shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such *Sunday or Christmas-day*.

Select committee-man not to be absent without leave, nor committee to sit, till all, who have not leave, be met. On failure of meeting within one hour, a further adjournment to be made, and reported, with the cause thereof.

21. AND be it further enacted, That no member of the said select committee shall be allowed to absent himself from the same, without leave obtained from the house, or an excuse allowed by the house at the next sitting thereof, on special cause shewn and verified upon oath; and the said select committee shall never sit, until all the members to whom such leave has not been granted, nor excuse allowed, are met; and in case they shall not all meet within one hour after the time to which the said select committee shall have been adjourned, a further adjournment shall be made in the manner as before directed, and reported, with the cause thereof, to the house.

Chairman, at next meeting to report absentees,

22. AND be it further enacted, That the chairman of the said select committee shall, at the next meeting of the house, always report the name of every member thereof who shall have been absent therefrom without such leave or excuse as aforesaid; and such member shall be directed to attend the house at the next sitting thereof, and shall then be ordered to be taken into the custody of the serjeant at arms attending the house for such neglect of his duty, and otherwise punished or censured at the discretion of the house, unless it shall appear to the house, by facts specially stated and verified upon oath, that such member was, by a sudden accident, or by necessity, prevented from attending the said select committee.

who are to be directed to attend next sitting;

and be censured or punished at discretion,

unless absence proved unavoidable.

If 13 do not attend, committee to adjourn;

23. AND be it further enacted, That if more than two members of the said select committee shall on any account be absent therefrom, the said select committee shall adjourn in the manner herein-before directed; and so from time to time, until thirteen members are assembled.

If less for 3 days, then to be dissolved and another chosen;

24. AND be it further enacted, That in case the number of members able to attend the said select committee shall, by death or otherwise, be unavoidably reduced to less than thirteen, and shall so continue for the space of three sitting days, the said select committee shall be dissolved, and another chosen to try and determine the matter of such petition in manner aforesaid; and all the proceedings of the said former select committee shall be void, and of no effect.

and past proceedings to be void.

Resolutions of committee, other than determination of complaint, may be reported,

25. AND be it further enacted, That if the said select committee shall come to any resolution other than the determination above mentioned, they shall, if they think proper, report the same to the house for their opinion, at the same time that the chairman of the said select committee shall inform the house of such determination; and the house may confirm or disagree with such resolution, and make such orders thereon, as to them shall seem proper.

and the house may make order thereon.

26. PROVIDED always, That if any person summoned by

the said select committee, shall disobey such summons, or if any witness before such select committee shall prevaricate, or shall otherwise misbehave in giving, or refusing to give evidence; the chairman of the said select committee, by their directions, may at any time, during the course of their proceedings, report the same to the house for the interposition of their authority or censure, as the case shall require.

Persons disobeying summons, or prevaricating, to be reported by the chairman.

27. AND be it further enacted, That whenever the said select committee shall think it necessary to deliberate amongst themselves, upon any question which shall arise in the course of the trial, or upon the determination thereof, or upon any resolution concerning the matter of the petition referred to them as aforesaid; as soon as the said select committee shall have heard the evidence and counsel on both sides relative thereunto, the room or place wherein they shall sit shall be cleared, if they shall think proper, while the members of the said select committee consider thereof; and all such questions, as well as such determination, and all other resolutions, shall be by a majority of voices: and if the voices shall be equal, the chairman shall have a casting voice.

When committee chose to deliberate, the room to be cleared.

28. PROVIDED always, That no such determination as aforesaid shall be made, nor any question be proposed, unless thirteen members shall be present; and no member shall have a vote on such determination, or any other question or resolution, who has not attended during every sitting of the said select committee.

Questions to be determined by a majority. Chairman to have a casting vote.

29. AND be it further enacted, That the oaths by this act directed to be taken in the house, shall be administered by the said clerk or clerk assistant, in the same manner as the oaths of allegiance and supremacy are administered in the house of commons: and that the oaths by this act directed to be taken before the said select committee, shall be administered by the clerk attending the said select committee; and that all persons who shall be guilty of wilful and corrupt perjury in any evidence which they shall give before the house, or the said select committee, in consequence of the oath which they shall have taken by the direction of this act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person, convicted of wilful and corrupt perjury, is liable by the laws and statutes of this realm.

No determination, unless 13 be present; nor any member to vote who has not attended every sitting.

Oaths taken in the house to be administered by the clerk;

and those before the select committee by their clerk. Penalties on perjury extended thereto.

30. AND be it further enacted, That this act shall continue in force seven years, and till the end of the session of parliament next after the expiration of the said seven years, and no longer.

Act to continue for seven years.

ANNO 10^o GEORGII III. CAP. 41

An Act to enable the Speaker of the House of Commons to issue his Warrants to make out new Writs for the Choice of Members to serve in Parliament, in the Room of such Members as shall die during the Recess of Parliament.

Repealed by 24 Geo. III. c. 25.

A. D. 1770.

ANNO 10^o GEORGII III. CAP. 50.

An Act for the further preventing Delays of Justice by reason of Privilege of Parliament. A. D. 1770.

WHEREAS the several laws heretofore made for restraining the privilege of parliament, with respect to actions or suits commenced and prosecuted at any time from and immediately after the dissolution or prorogation of any parliament, until a new parliament should meet, or the same be re-assembled, and from and immediately after an adjournment of both houses of parliament for above the space of fourteen days, until both houses shall meet or assemble, are insufficient to obviate the inconveniences arising from the delay of suits by reason of privilege of parliament; whereby the parties often lose the benefit of several terms: For the preventing of all delays the king or his subjects may receive in prosecuting their several rights, titles, debts, dues, demands, or suits, for which they have cause, Be it enacted, &c. That from and after the twenty-fourth day of June, 1770, any person or persons shall and may, at any time, commence and prosecute any action or suit in any court of record, or court of equity, or of admiralty, and in all causes matrimonial and testamentary, in any court having cognizance of causes matrimonial and testamentary, against any peer or lord of parliament of Great Britain, or against any of the knights, citizens, and burgesses, and the commissioners for shires and burghs of the house of commons of Great Britain for the time being, or against their or any of their menial or any other servants, or any other person entitled to the privilege of parliament of Great Britain: and no such action, suit, or any other process or proceeding thereupon, shall at any time be impeached, stayed or delayed, by or under colour or pretence of any privilege of parliament.

After 24 June, 1770, suits may be prosecuted in courts of record, equity, or admiralty, and courts having cognizance of causes matrimonial and testamentary, against peers, and members of the house of commons, and their servants, &c.

But the persons of members of the house of commons, not to be arrested or imprisoned.

Court out of which writ proceeds, may order the issues to be sold, and money arising thereby to be applied to pay costs to plaintiff. Surplus to be retained till appearance of defendant, &c. When purpose is answered, issues to be returned; or, if sold, money remaining to be repaid.

2. PROVIDED nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act shall extend to subject the person of any of the knights, citizens, and burgesses, or the commissioners of shires and burghs of the house of commons of Great Britain for the time being, to be arrested or imprisoned upon any such suit or proceedings.

3. And whereas the process by *distringas* is dilatory and expensive; for remedy thereof, Be it enacted by the authority aforesaid, That the court out of which the writ proceeds, may order the issues levied from time to time to be sold, and the money arising thereby to be applied to pay such costs to the plaintiff, as the said court shall think just under all the circumstances, to order: and the surplus to be retained until the defendant shall have appeared or other purpose of the writ be answered.

4. PROVIDED always, when the purpose of the writ is answered, That then the said issues shall be returned; or, if sold, what shall remain of the money arising by such sale, shall be repaid to the party distrained upon.

5. AND be it further declared and enacted by the authority aforesaid, That obedience may be enforced to any rule of his majesty's courts of king's bench, common pleas, or exchequer, against any person entitled to privilege of parliament, by distress infinite, in case any person or persons entitled to the benefit of such rule shall chuse to proceed in that way.

Obedience to rule of the court of king's bench, common pleas, or exchequer, may be enforced by distress infinite.

6. AND whereas an act was made in the 12th and 13th years of the reign of king William the Third, intituled, 'An act for preventing any inconveniences that may happen by privilege of parliament;' Be it enacted by the authority aforesaid, That from and after the said twenty-fourth day of June, the said act, and also this act, shall extend to that part of Great Britain called Scotland.

Act 12 and 13 Will 3.

extended to Scotland.

ANNO 11^o GEORGI. III. CAP. 42.

An Act to explain and amend an Act, made in the last Session of Parliament, intituled, An Act to regulate the Trials of controverted Elections, or Returns of Members to serve in Parliament.

A. D. 1771,

WHEREAS an act was passed in the last session of parliament, intituled, 'An act to regulate the trials of controverted elections, or returns of members to serve in parliament;' and whereas further provisions may be necessary to prevent all obstructions and difficulties, which in certain cases may arise in the execution of the said act: Be it therefore enacted, &c. That from and after the passing of this act, if several parties, on distinct interests or grounds of complaint, shall present separate petitions, complaining of an undue election, or return of a member or members to serve in parliament, the same notices and orders shall be given to all such parties, or their respective agents, as by the said act are directed to be given to the sitting members, or the petitioners therein mentioned, or their respective agents.

Act 10 Geo. 3.

After passing thereof, on complaint of an undue election, &c. notice and orders to be given to parties and their agents.

2. AND be it further enacted, That the clause in the said act, which provides that no petition shall be taken into consideration within fourteen days after the appointment of the committee of privileges, be repealed: and that from henceforth no petition complaining of an undue election, or return of a member or members to serve in parliament, shall be taken into consideration within fourteen days after the commencement of the session of parliament in which it is presented, nor within fourteen days after the return to which it relates, shall be brought into the office of the clerk of the crown.

Clause in act 10. Geo. 3. repealed.

3. AND be it further enacted, That if at the time of drawing by lot the names of the members, in manner prescribed by the said act, the number of forty-nine members, not set aside nor excused, cannot be completed, the house shall proceed in the manner they are directed by the said act to proceed, in case there be less than one hundred members present at the time therein prescribed for counting the

If at the time of drawing, 49 members cannot be completed, the house to proceed in manner directed by act 10, Geo. 3.

house; and so from day to day, as often as the case shall happen.

On the day appointed for hearing complaints of undue elections, the house shall not proceed to other business previous to reading the order.

Manner of adjourning the select committee.

If on complaint of undue election, there shall be more than two parties on distinct interest,

each party shall strike off a member from the 40, successively, until reduced to 13.

When the list is returned to the house, the 13 members to withdraw;

and within one hour, report the names of such two members.

In case such two members shall be set aside, they shall choose others, until two are chosen.

4. AND be it further enacted, That on the day appointed for taking any petition, complaining of an undue election, or return of a member or members to serve in parliament, into consideration, the house shall not proceed to any other business whatsoever, except the swearing of members, previous to the reading of the order of the day for that purpose.

5. AND be it further enacted, That if the select committee shall have occasion to apply or report to the house, in relation to adjournment of the said select committee, the absence of the members thereof, or the non-attendance or misbehaviour of witnesses summoned to appear, or appearing before them, and the house shall be then adjourned for more than three days, the said select committee may also adjourn to the day appointed for the meeting of the house.

6. AND be it further enacted, That if on a complaint by petition of an undue election or return, there shall be *more than two parties before the house, on distinct interest*, or complaining or complained of upon different grounds, whose right to be elected or returned may be affected by the determination of the said select committee, each of the said parties shall successively strike off a member from the forty-nine members to be chosen by lot, until the same number be reduced to thirteen, in the same manner as by the said act is directed for the striking off a member alternately by the parties therein mentioned; and the lists of the forty-nine members chosen by lot shall, for this purpose, be given to all the said parties, and the order in which the said parties shall so strike off the said members shall be determined by lot after they are withdrawn from the bar, and in such case, neither of the said parties (there being more than two) shall be permitted to name a member to be added to the members so drawn by lot as aforesaid; but that as soon as the list of thirteen members shall be returned by the parties to the house, such thirteen members shall immediately withdraw, and shall by themselves chuse two members then present in the house, whose names shall not have been drawn, to be added to the said thirteen members; and shall, within one hour from the time of their withdrawing, report the names of such two members to the house; which two members shall be liable to be set aside, on the like objections for which nominees may be set aside by virtue of the said act; and in case such two members, or either of them, shall be set aside for any of the causes aforesaid, then the said thirteen members shall chuse one or two other members, as the case shall require, until two members are chosen, against whom none of the objections to nominees mentioned in the said act shall be taken and allowed; and that the names of such two members shall be then added to the said list of thirteen members; and all the said fifteen members shall be sworn at the table, and they shall be the select committee appointed for the purpose expressed in this and the said former act.

7. AND be it further enacted, That where the said no-

minces are by this act directed to be named by the said thirteen members, no member present at the time of the ballot shall depart from the house until the time for the meeting of the said select committee shall be fixed.

Where the nominees are directed to be named, no member to depart till the time of meeting the select committee is fixed.

ANNO 11^o GEORGII III. Cap. 55.

An Act to incapacitate John Burnett, &c. and others from voting at Elections of Members to serve in Parliament, and for the preventing Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of New Shoreham, in the County of Sussex. A. D. 1771.

‘ WHEREAS a wicked and corrupt society calling itself the Christian Society, hath for several years subsisted in the borough of *New Shoreham* in the county of *Sussex*, and consisted of a great majority of persons having a right to vote at elections of members to serve in parliament for the said borough; and whereas it appears that the chief end of the institution of the said society, was for the purpose of selling, from time to time, the seat or seats in parliament for the said borough; and whereas *John Burnett, &c.* and others were members of the said society: in order therefore to prevent such unlawful practices for the future, and that the said borough from henceforth be duly represented in parliament; be it enacted, &c. That the said *John Burnett, &c.* and others, shall be, and by virtue of this act are, from henceforth incapacitated and disabled from giving any vote at any election for the chusing a member or members to serve in parliament.

2. AND be it further enacted by the authority aforesaid, That from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have within the rape of *Bramber*, in the said county of *Sussex*, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in parliament, for the said borough of *New Shoreham*.

Freeholders above 21 years of age, to vote.

3. AND be it further enacted by the authority aforesaid, That the right of election of a member or members to serve in parliament for the said borough of *New Shoreham*, shall be and is hereby declared to be in such freeholders as aforesaid, and in the persons who by the custom and usage of the said borough have, or shall hereafter have, a right to vote at such election, those whose names are mentioned herein and incapacitated and disabled by this act only excepted; and the constable or other proper officer for the time being, to whom the return of such precept or writ does belong, is hereby required to return the person or persons to serve in parliament for the said borough, who shall have the major number of votes of such freeholders, and other persons having a right to vote at such election, (except such persons as are herein-before excepted) any law or usage to the contrary notwithstanding.

Right of election, in whom.

4. AND be it further enacted by the authority aforesaid, That every such freeholder before he is admitted to poll at

Freeholders to take the following oath.

any election for the said borough, shall, if required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, (or being one of the people called *Quakers*, the solemn affirmation) following, *viz.*

"You shall swear, or being a *Quaker* solemnly affirm, that you are [a freeholder in the rape of *Bramber*, in the county of *Sussex*, and have a freehold estate consisting of (specifying the nature thereof, and if it consists in messuages, lands, or tithes, in whose occupation the same are; and if in rent, the names of the owners or possessors of the tenements, out of which such rent is issuing, or some of them) lying or being at within the rape of *Bramber*, in the county of *Sussex*, of the clear yearly value of forty shillings, over and above all rents and charges payable out of or in respect of the same; and that you have been in the actual possession or receipt of the rents and profits thereof, for your own use, above twelve calendar months; (or that the same came to you within the time aforesaid by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office) and that such freehold estate has not been granted or made to you fraudulently, on purpose to qualify you to give your vote; and that the place of your abode is at in and that you are twenty-one years of age as you believe; and that you have not been polled before at this election."

Which oath or solemn affirmation, the constable, or other proper officer to whom the return of any writ or precept for such election shall belong, is hereby required to administer, and in case any freeholder or other person, taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any freeholder or other person to take the said oath or affirmation, in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted, he and they, for every such offence respectively, shall incur such penalties as are inflicted on persons guilty of perjury or subornation of perjury, in and by two acts of parliament, one made in the 5th year of the reign of Queen Elizabeth, (intituled, An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury); and the other made in the 2d year of his late majesty's reign, (intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money,) contrary to the said acts.

Of perjury, the penalties.

Act 5 Eliz. and

Act 2 G. 2.

Constable to back a precept the day of the receipt thereof.

5. AND be it further enacted by the authority aforesaid, that such constable, or other proper officer to whom any writ or precept shall be directed for making any election for the said borough, shall, upon the reception of such writ or precept, indorse upon the back thereof the day of

his receipt thereof, in the presence of the party from whom he received such precept; and shall forthwith cause public notice to be given within the said borough of *New Shoreham*, and at the towns of *Bramber* and *Steyning*, in the said county of *Sussex*, by fixing up a notice thereof in writing on the market houses or on the doors of the churches of the said towns, of the day of election; and shall proceed to election thereupon within the space of twelve days, and not less than eight days, next after his receipt of the same precept.

6. AND be it further enacted, by the authority aforesaid, That this act shall be publicly read at every election for the said borough of *New Shoreham*, immediately after the acts directed by any act of parliament to be read thereat, and before the persons present shall proceed to make such election.

The act to be read publicly.

ANNO 12^o GEORGII III. CAP. 21.

An Act for giving Relief in Proceedings upon Writs of Mandamus for the Admission of Freemen into Corporations; and for other Purposes therein mentioned. A. D. 1772.

WHEREAS divers persons, who have a right to be admitted citizens, burgesses, or freemen, of divers cities, towns corporate, boroughs, cinque ports, and places, within that part of Great Britain called England and Wales, being refused to be admitted thereto, have, in many cases, no other ordinary remedy to procure themselves to be admitted to the franchises of being citizens, burgesses, or freemen, than by writs of *mandamus*, the proceedings on which are very dilatory and expensive; and, although any such writ of *mandamus* is obeyed, the person applying is nevertheless put to great and unnecessary trouble, delay, and expence; and whereas by the laws now in being, in many cases, no provision is made for giving costs to the party suing out any such writ where the same is obeyed: for remedy whereof, be it enacted, &c. That from and after the first day of August, 1772, where any person shall be entitled to be admitted a citizen, burgess, or freeman, of any such city, town corporate, borough, cinque port, or place, and shall apply to the mayor, or other person, officer or officers, in such city, town corporate, borough, cinque port, or place, who hath or have authority to admit citizens, burgesses and freemen therein, to be admitted a citizen, burgess or freeman thereof; and shall give notice, specifying the nature of his claim, to such mayor, or other officer or officers, that if he or they shall not so admit such person a citizen, burgess, or freeman, within one month from the time of such notice, the court of king's bench will be applied to for a writ of *mandamus*, to compel such admission; and if such mayor, or other officer or officers, shall, after such notice, refuse or neglect to admit such person, and a writ of *mandamus* shall afterwards issue to compel such mayor, or other officer or officers, to make such admission,

After August 1, 1772, any person entitled to be admitted a citizen, &c. of any city, and applying to the mayor, &c. for that purpose, giving him notice, specifying the nature of his claim, &c. If such mayor, &c. shall refuse to admit such person, and a *mandamus* shall issue for compelling his admission, the mayor to pay all costs.

and, in obedience to such writ, such persons shall be admitted by the said mayor, or other officer or officers, a citizen, burgess, or freeman of such city, town, corporate, borough, cinque port, or place, then such person shall (unless the court shall see just cause to the contrary) obtain and receive from the said mayor, or other officer or officers so neglecting or refusing as aforesaid, all the costs to which he shall have been put in applying for, obtaining, and serving such writ of *mandamus*, and enforcing the same, by a rule to be made by the court out of which such writ shall issue, for the payment thereof, together with the costs of applying for, obtaining, serving, and enforcing the said rule; and if the rule so to be made shall not be obeyed, then the same shall be enforced in such manner as other rules made by the said court are or may be enforced by law.

Freemen to be admitted to inspect the entries of admission, &c. and to take copies thereof.

Mayor, bailiff, &c. denying inspection of such entries, or to give copies thereof, shall, for every refusal, forfeit 100*l.* to be recovered by action of debt, to be commenced within one year after the cause shall have arisen.

2. AND, in order that it may be known what persons are, from time to time, admitted freemen or burgesses of any city, corporation, borough, or cinque port, be it further enacted by the authority aforesaid, That the mayor, bailiff, town clerk, or other officer of any city, corporation, borough, or cinque port, having the custody of, or power over, the records of the same, shall, upon the demand of any two freemen or burgesses, permit any such freemen or burgesses, and their agent or agents, at any time whatsoever, between the hours of nine in the morning and three in the afternoon, to inspect the entries of admission of freemen, burgesses, or other inferior [*corporations*], and to take copies or extracts therefrom, paying for every such inspection two shillings and sixpence; and for every such copy or extract, not exceeding seventy-two words, the sum of four-pence; and so in proportion for all such copies or extracts: and if any mayor, bailiff, town clerk, or other officer, shall refuse or deny the inspection of any such entries, or to give copies or extracts thereof, as before directed; he or they shall, for every such denial or refusal, forfeit and pay the sum of one hundred pounds to any person who shall sue for the same: to be recovered, with full costs of suit, by action of debt, in any of his majesty's courts of record at Westminster; in which action it shall be sufficient for the plaintiff to allege in his declaration, that the defendant or the defendants is or are indebted to the said plaintiff in the sum of one hundred pounds for money had and received to his use; provided that such action shall be commenced within the space of one year after the cause of it shall have arisen, and not afterwards.

ANNO 14^o GEORGII III. CAP 15.

An Act for making perpetual two Acts, passed in the 10th and 11th Years of the Reign of his present Majesty, for regulating the Trials of controverted Elections, or Returns of Members to serve in Parliament. A. D. 1774.

Act 10 G. 3.
and;

WHEREAS an act passed in the 10th year of the reign of his present majesty, intituled, 'An act to regulate the trials

of controverted elections, or returns of members to serve in parliament,' which act was made to continue for a limited time only; and whereas another act, passed in the 11th year of the reign of his said majesty, intituled, 'An act to explain and amend an act, made in the last session of parliament, intituled, an act to regulate the trials of controverted elections, or returns of members to serve in parliament;' and whereas the provisions of the said recited acts are well adapted to procure to the commons of this realm a free and impartial trial of controverted elections of members to serve in parliament; and have been found, by experience, to be practicable and beneficial: may it therefore please your majesty that it may be enacted, and be it enacted, &c. That the said recited acts, passed in the 10th and 11th years of his present majesty, shall be, and are hereby made, perpetual.

Act 2. Geo. 3.

Made perpetual by this act.

ANNO 14^o GEORGII III. CAP. 58.

An Act for repealing an Act made in the First Year of the Reign of King Henry the Fifth, and so much of several Acts of the 8th, 10th, and 23d Years of King Henry the Sixth, as relates to the Residence of Persons to be elected Members to serve in Parliament, or of the Persons by whom they are to be chosen.
A. D. 1774.

WHEREAS an act of parliament was made in the first year of the reign of king Henry the fifth, ordaining and establishing what sort of people shall be chosen, and who shall be the choosers of the knights and burgesses of the parliament; and also an act in the 8th year of the reign of king Henry the sixth, ordaining what sort of men shall be choosers, and who shall be chosen knights of the parliament: and also an act in the 10th year of the reign of his said majesty, requiring certain things in him who shall be a chooser of the knights of parliament; and also an act in the 23d year of the reign of his said majesty, directing who shall be knights for the parliament, the manner of their election, and the remedy where one is chosen and another returned: and whereas several provisions contained in the said acts have been found, by long usage, to be unnecessary, and are become obsolete; in order therefore to obviate all doubts that may arise upon the same, may it please your majesty that it may be enacted, and be it enacted, &c. That the said act, made in the first year of the reign of his majesty king Henry the fifth, and every part thereof; and so much of the said several acts, made in the 8th, the 10th, and the 23d years of the reign of his majesty king Henry the 6th, as relates to the residence of persons to be elected members to serve in parliament, or of the persons by whom they are to be chosen, shall be, and the same are hereby repealed.

Acts so far as they relate to the residence of members repealed.

ANNO 20^o GEORGII III. CAP. 17.

An Act to remove certain Difficulties relative to Voters at County Elections. A. D. 1780.

No person to vote at any county election in England, or Wales, who has not been assessed to the land-tax for his qualification, *six months* previous to the election.

Cases to which this act shall not extend.

If assessed to the land-tax, in the name of a predecessor, within two years before the election.

Commissioners of the land tax to deliver to assessors a printed form of assessments to be made according thereto.

WHEREAS the several laws now in being for ascertaining the rights of persons claiming to vote in the elections of knights of the shire to serve in parliament, for that part of Great Britain, called England, are difficult to be carried into execution, and great delays and inconveniences have been occasioned by the numberless disputes which have arisen at county elections concerning such rights; for remedy whereof, be it enacted, &c. That, from and after the 1st day of January, 1781, no person shall vote for the electing of any knight or knights of the shire to serve in parliament, within that part of Great Britain called England, or the principality of Wales, in respect of any messuages, lands, or tenements, which have not, *for six kalendar months next before* such election, been charged or assessed towards some aid granted or to be granted to his majesty, his heirs or successors, *by a land tax, in case any such aid be then granted and assessable*, in the name of the person or persons who shall claim to vote at such election for or in respect of any such messuages, lands, or tenements, or in the name of his or their tenant or tenants, actually occupying the same as tenant or tenants of the owner or landlord thereof.

2. PROVIDED always, That this act, with respect to such rating and assessing as aforesaid, shall not extend, or be construed to extend, to annuities or fee-farms rents (duly registered) issuing out of any messuages, lands, or tenements rated or assessed as aforesaid: nor shall the same extend, or be construed to extend, to any person who became entitled to such messuages, lands, or tenements, for which he shall vote, or claim to vote as aforesaid, by descent, marriage, marriage settlement, devise, or promotion to any benefice in a church, or by promotion to an office, within twelve kalendar months next before such election; but such person shall be entitled to vote at such election, if the messuages, lands, or tenements, for which he shall vote, or claim to vote, as aforesaid, have been, within two years next before such election, rated or assessed to the land tax, in the name of the person or persons by or through whom such person voting, or claiming to vote, as aforesaid, shall derive his title to the messuages, lands, or tenements, for which he shall vote, or claim to vote, as aforesaid, or in the name of some predecessor, within two years next before such election, of such person claiming to vote in respect of any promotion to a benefice in a church, or promotion to an office, or in the name of the tenant or tenants of such person or persons, such tenant or tenants actually occupying such messuages, lands, or tenements.

3. AND be it further enacted, That the commissioners of the land tax for that part of Great Britain called England, or the principality of Wales, at their respective meetings held for appointing assessors of the land tax for several

parishes and places lying within the division for which such commissioners shall act, shall cause to be delivered to each of the said assessors, a printed form of an assessment, as set forth in the schedule hereunto annexed; and the said assessors are hereby required to make their assessments according to the said form; and shall make three duplicates of such assessments; and shall (at least fourteen days before such assessment shall be delivered to the commissioners of the land tax for the county, riding, or division, within which the parish or place for which such assessment shall be made shall lie) cause one of the said duplicates, or fair copy thereof, to be stuck up upon one of the doors of the church or chapel of the parish or place for which such assessment shall be made; but in case such assessment shall be made for an extra-parochial or any other place, where there is not any church or chapel, then such assessment shall be stuck up upon one of the doors of the church or chapel in a parish next adjoining; and if any person or persons (renting, holding, or occupying, any messuages, lands, or tenements, in any such parish or place) shall rent, hold, or occupy messuages, lands, or tenements, belonging to different owners or proprietors, the same shall be separately and distinctly rated and assessed in such assessments, that the proportion of the land tax to be paid by each separate owner or proprietor respectively may be known and ascertained; and the said duplicates shall be delivered to the land tax commissioners, at their meeting for the receipt of assessments: and if the name of any owner or owners of any messuages, lands, or tenements, in such parish or place, entitled to vote as aforesaid, shall not appear or be included in such assessment, it shall and may be lawful for such person or persons, by himself or themselves, or by his or their agent or agents, to appeal to the commissioners of the land tax, to whom such assessments shall be returned; and every person so intending to appeal shall, and is hereby required to give notice thereof in writing to one or more of the assessors of the parish or place wherein he is rated; and the said commissioners, on sufficient cause to be shewn, shall amend the duplicates of such assessments, by inserting therein the name or names of the actual occupier or occupiers, and of the owner or owners of such messuages, lands, or tenements, or the person or persons entitled to, or in the actual receipt of the rents, issues, and profits thereof, or by erasing the name of any person who shall appear to them to have been improperly inserted therein; and the said commissioners are hereby required to cause one of the said duplicates so amended (after the same shall be duly signed and sealed by the said commissioners, or any three of them) to be returned to the said assessors, or one of them; and such assessors are hereby required to deliver such duplicate, so amended, within ten days after the receipt thereof, to one of the chief constables of the hundred, lathe, or wapentake, within which the parish or place for which such assessment was made shall lie, taking the receipt of such chief constable for the same, and which receipt such chief constable

A duplicate of assessments to be stuck on the door of the parish church, &c.

Persons entitled to vote, whose names are omitted in assessments, may appeal to the commissioners;

Assessments where defective, to be amended.

An amended duplicate to be returned to the assessors, and delivered to the clerk of the peace at the next quarter sessions.

is hereby required to give; and such chief constable is hereby also required to deliver such duplicate upon oath (which oath the said magistrates are hereby empowered to administer) without any alteration, at the next general quarter sessions of the peace for the county, riding, or division, within which such assessment shall be made, in open court, the first day of such sessions, to the clerk of the peace attending such sessions, to be by him filed and kept among the records of the sessions.

4. AND be it further enacted, That if any assessor shall neglect to deliver such duplicate so amended, to such chief constable as aforesaid, or if such chief constable, to whom the same shall be delivered, shall neglect to deliver the same to such clerk of the peace at the next general quarter sessions of the peace as aforesaid, or shall wilfully alter or deface any such duplicate; every such assessor and chief constable so offending shall, for every such offence, and for every such duplicate so neglected to be delivered as aforesaid, forfeit the sum of five pounds, to be levied and recovered in the manner herein-after mentioned.

Penalty on assessor, &c. who shall alter or neglect to deliver any duplicate as above directed.

If clerk of the peace shall not receive all the duplicates before the end of Michaelmas sessions yearly, the court shall immediately fine the chief constables making default.

5. AND be it further enacted, That at the Michaelmas sessions in every year, the clerk of the peace, or his deputy, attending such sessions, in every county, riding, or division, as aforesaid, shall, before the conclusion of such sessions, examine whether the duplicates of all the assessments within such county, riding, or division, shall have been delivered for that year; and if it shall appear that any such duplicates have not been received by or delivered to such clerk of the peace, or his deputy, by the proper chief constables, then and in such case such clerk of the peace, or his deputy, shall report the same to the court, and the court shall immediately set and impose the said fine or fines of five pounds upon such chief constables, for the hundred, lathe, or wapentake, within which the parish or place for which such duplicate or duplicates of the assessment or assessments not returned shall lie; and the said clerk of the peace, or his deputy, shall give to such chief constables immediate notice of such fine or fines; and if the same is or are not immediately paid, the justices assembled in the said quarter sessions shall, by order of court, issue a warrant of distress for the recovery thereof, directed to the constable or constables of the respective parishes or places where such chief constables shall live; and such warrant shall be delivered or transmitted by the clerk of the peace, or his deputy, to such constables, or one of them, who is and are hereby required to levy such fine or fines, by distress and sale of the goods and chattels of such chief constables, rendering the overplus (if any) to the owners of such goods and chattels, after deducting the reasonable charges of such distress.

On failure of payment, fines may be levied by distress.

In case chief constables make oath that assessors neglected to deliver said duplicates to them,

6. PROVIDED always, That if such chief constables shall voluntarily make oath at such sessions, that such duplicate or duplicates was or were not delivered to them, or either of them, by such assessor or assessors, then, and in such case, the said fine or fines, herein-before directed, shall be set and

imposed upon such assessor or assessors, of the parish or place, parishes or places, for which such duplicate or duplicates shall not be returned; and the justices assembled in such quarter sessions shall, by order of court, issue a warrant of distress for the recovery thereof, directed to the constable or constables of such parish or place, or respective parishes or places, or to such other person or persons as such justices shall think proper; and also shall, by order of court, require the chief constables, or one of them, to give notice to such assessor or assessors, that such fines have been set and imposed; and such chief constables are hereby required to serve such notices upon such assessors within fourteen days next after such sessions; and if such assessors, or one of them, shall not deliver such duplicate, or the chief constables' receipt for the same, to the clerk of the peace, or his deputy, for such county, riding, or division, within ten days after being served with such notice, then and in such case the said clerk of the peace, or his deputy, shall deliver or transmit such warrant of distress against the assessor, to the person or persons to whom the same shall be directed, who is hereby required to levy the said fine set upon such assessor by distress and sale of the goods and chattels of such assessor or assessors, rendering the over-plus (if any) to the owner or owners, after deducting the reasonable charges of such distress.

7. PROVIDED always, That if such assessors, or either of them, shall, within the said ten days after such notice, produce to the said clerk of the peace, or his deputy, the receipt of such chief constables, or one of them, for such duplicate, then and in such case such clerk of the peace, or his deputy, shall deliver or transmit the warrants against such chief constables, or such of them who shall have signed such receipt, to the proper constable or constables to whom the same shall be directed, that the same may be executed as aforesaid, and the warrant or warrants for levying the fine or fines upon such assessor or assessors shall not be executed.

8. AND be it further enacted by the authority aforesaid, That the fines to be set and imposed upon such chief constables and assessors as aforesaid, shall, after the same shall be so levied and recovered, be, by the person or persons who shall levy and recover the same, paid to the treasurer of the county, riding, or division, wherein the same shall be levied or recovered, or the lawful deputy of such treasurer, to be applied and disposed of as part of the county stock, under the direction of the sessions of such county, riding, or division.

9. AND be it further enacted, That whenever any assessment shall not have been made by the assessor or assessors of any parish or place, and returned to the chief constable, and by the chief constable to the clerk of the peace, by the neglect or default of any person concerned therein, it shall and may be lawful for the said justices at the said quarter sessions, or any two justices for such county, riding, or division, out of sessions, to order and direct such assessment

then the fines shall be levied on the said assessors, except they deliver the duplicated, &c. within 10 days after notice:

But if assessors, within said time, shall produce to the clerk of the peace the chief constables' receipt, then the fine shall be levied on said constables.

Fines to be paid to the treasurer of the county, &c.

When assessments are not made, and returned to the clerk of the peace, justices may order them to be made and returned forthwith.

or assessments forthwith to be made and returned in manner aforesaid; and such assessments, so made and returned, shall have the same and the like effect as if made and returned at the time and in the manner hereinbefore directed.

Persons aggrieved may appeal to the quarter sessions;

giving 10 days notice.

Justices may award costs.

10. AND be it further enacted, That if any person or persons shall be dissatisfied, or shall think himself or themselves aggrieved by any determination of the said commissioners of the land-tax, it shall and may be lawful for such person or persons to appeal against such determination to the general quarter sessions of the peace for the county, riding, or division, within which such commissioners shall act, which shall happen next after the cause of complaint shall have arisen, giving ten days notice of such appeal to one of the commissioners signing the duplicate of the said assessment, and also to one of the assessors of the parish or place where the estate belonging to the person or persons who shall think himself or themselves aggrieved, shall lie; and the justices assembled in such sessions are hereby authorized and required, by examination upon oath (which oath the said justices are hereby authorized to administer), to hear and determine the matter of such appeal, and to amend such assessments where they shall think necessary; and also to award such costs as to them in their discretion shall seem reasonable; and by their order or warrant to levy the costs which shall be so awarded, by distress and sale of the goods and chattels of the person or persons against whom the same shall be so awarded, rendering the overplus (if any) to the owner or owners, after deducting the reasonable charges of such distress.

Any person, whose name, on appeal, shall appear to have been improperly left out of any assessment, shall be deemed to have been rated therein.

Husbands of women entitled to dower out of the estates of their former husbands, may vote in respect thereof, although the said dower has not been set out by metes or bounds.

11. AND be it further enacted, That if the said commissioners, upon any appeal before them, and also the said justices in sessions upon any appeal before them, shall find it requisite to insert in such assessments, or the duplicates thereof, the names of any person or persons, which shall appear to such commissioners, or to such justices, to have been improperly omitted, such person or persons shall be taken and deemed to be rated in such assessment or assessments, as effectually, to all intents and purposes, as if the name or names of such person or persons had been originally inserted in such assessment by the assessors.

12. AND whereas disputes have arisen, whether the husbands of women entitled to the dower or thirds, at common law, out of the estates of their former husbands, shall be entitled to vote in the election of members of parliament, unless dower has been assigned and set out, by metes and bounds, for such women; be it therefore further enacted, That where any woman, the widow of any person tenant in fee or in tail shall be entitled to dower or thirds, by the common law, out of the freehold estate which her husband died seised or possessed of, and shall intermarry with a second husband, such second husband shall be entitled to vote in respect of such dower or thirds, if such dower or thirds shall be of the clear yearly value of forty shillings, or upwards, although the same has not been assigned or set

out by notes or bounds, if such second husband shall be in the actual receipt of the profits of such dower, and the estate from whence the same issues is rated to, and contributes to the land-tax in the name of the actual owner of the lands or tenements, from whence such dower or thirds arises or issues.

13. AND be it further enacted by the authority aforesaid, That it shall and may be lawful for all and every person or persons, at all seasonable times, to resort to and inspect the said duplicates, or any part thereof, in the hands of such clerk of the peace, or his deputy, paying for every search into, or inspection of, such duplicates, or any part thereof, one shilling, and no more; and the said clerk of the peace, or his deputy, is hereby required and directed, upon demand, to deliver a true copy or copies of all such duplicates, or of such part or parts of them, or any of them, of which a copy shall be demanded, to any person or persons who shall demand or desire the same, (such copy or copies to be signed by such clerk of the peace, or his deputy, purporting the same to be a true copy or true copies,) and for which copy or copies such clerk of the peace, or his deputy, shall be paid at and after the rate of sixpence, and no more, for every three hundred words or figures, and so in proportion for any lesser number of words or figures; which said duplicates, and also a true copy of them, or any of them, or any part of them, signed as aforesaid, and also the duplicate of any assessment in the possession of the commissioners of the land-tax, or in the possession of the receiver-general of the county, or a copy of the said duplicates, signed by such commissioners, and purporting the same to be a true copy, shall, at all times and in all places, be allowed and admitted as legal evidence of such assessments, certificates, memorials, and books of entries, in all cases whatsoever; and such copy shall be delivered in reasonable time after the same shall be demanded.

Duplicates may be inspected.

Clerk of the peace to deliver signed copies of duplicates, on demand,

and being paid 6d. for every 370 words.

Duplicates, &c. to be deemed legal evidence.

14. AND be it further enacted by the authority aforesaid, That such clerk of the peace of every county, riding, or division, in whose office such duplicates shall be filed as aforesaid, or his deputy, shall, upon reasonable notice, attend at every election of a knight or knights of the shire for such county, with the said original duplicates, at the request of any candidate, or the agent or agents of any candidates; the person or persons requesting the same making such clerk of the peace, or his deputy, a satisfaction for such attendance, at and after the rate of two guineas for each day of his attendance at such election, together with an allowance of one shilling and sixpence a mile for the costs and charges he may be at, or put unto, in his journey from the place of his abode to and from the place of such election.

Clerk of the peace, or his deputy, to attend at every election of a knight of the shire, with original duplicates, at the request of any candidate:

Such candidate to pay him 2l. 2s. for each day's attendance, and 1s. 6d. per mile for travelling charges.

15. AND be it further enacted, That after issuing any writ or precept for the election of a knight or knights of the shire for any county within that part of Great Britain called England, or the dominion of Wales, the clerk of the peace, or his deputy, shall, and he is hereby required to attend,

After issuing any writ for election of a county member, the clerk of the peace shall attend gratis, from 9 to 3 each day,

where the records of the county are usually kept, to make copies of duplicates, &c.

gratis, from day to day, from the hour of nine in the forenoon, to three in the afternoon in each day, at the place where the records of such county, riding, or division, are usually kept, from the time of the delivery of such notice to the day immediately preceding the day of election of such knight or knights, for the purpose of receiving applications for the inspection of such duplicates, and for making copies of them, or any of them, or of so much of them, or any of them, which he shall be requested to copy as aforesaid.

Penalty on clerk, of the peace, or his deputy, making default.

Action to be brought within two months, &c.

16. AND be it further enacted, That if any clerk of the peace, or his deputy, shall neglect or refuse to permit such duplicates, or any of them, or any part of them, or any of them, to be inspected by any person or persons who shall request the same as aforesaid, or shall neglect or refuse to deliver any copy or copies of the same, or any part thereof, within the time before mentioned, or shall neglect to attend as aforesaid at the place where the records of such county, riding, or division, are usually kept, or at any county election, with such duplicates, in pursuance of the directions of this act; every such clerk of the peace, or his deputy, shall, for every such offence, forfeit the sum of five hundred pounds to the party aggrieved, provided such action is brought within two months after the offence shall have been committed; and if no such action shall be brought within the said time, then to any person who shall sue for the same in the manner herein-after mentioned; and shall also forfeit his office of clerk of the peace, or deputy, the same to be absolutely void on such clerk of the peace, or his deputy, being convicted of such offence; and such clerk of the peace, or deputy clerk of the peace, shall be rendered incapable of being again appointed a clerk of the peace, or deputy clerk of the peace, or of acting as such, in or for any county, riding, or division, whatsoever.

Final judgment upon any verdict against a clerk of the peace shall be deemed sufficient conviction.

17. AND be it further enacted by the authority aforesaid, That final judgment upon any verdict to be obtained against such clerk of the peace, or deputy clerk of the peace, for the recovery of such forfeiture, shall be deemed and taken to be a sufficient conviction of such offence, without any other prosecution or conviction whatsoever; and immediately after such judgment, the said office of clerk of the peace, or deputy clerk of the peace, shall be absolutely void, to all intents and purposes whatsoever.

Penalties how to be recovered.

18. AND be it further enacted by the authority aforesaid, That the forfeiture or penalties laid or imposed against such clerk of the peace, or deputy clerk of the peace, by this act, shall and may be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed.

Prosecutions to be commenced within twelve months.

19. PROVIDED always, and be it further enacted and declared, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve calendar months next after such forfeiture or penalty shall be incurred.

FORM OF ASSESSMENT.

County of N. to wit : } An assessment made in pursuance
For the parish of } of an act of parliament, passed Form of
in the said county. } in the assessment.
 year of his majesty's reign, for
 granting an aid to his majesty by a
 land tax, to be raised in Great
 Britain, for the service of the year
 17

Names of Proprietors.	Names of Occupiers.	Sums assessed.
A. B. —	Himself. —	— —
A. B. —	C. D. —	— —
E. F. —	C. D. —	— —
C. D. —	G. H. —	— —
I. K. } and L. M. }	N. O. —	— —
P. Q. —	{ R. S. } and { T. U. }	— —

Signed this

17

day of

by us

A. B. }
C. D. } Assessors.ANNO 21^o GEORGE III. CAP. 54.

*An Act for the better regulating Elections of Citizens to
 serve in Parliament for the City of Coventry.*

A. D. 1780.

WHEREAS the right of election of citizens to serve in Parliament for the city of *Coventry*, is, by the last determination of the house of commons, of the twentieth day of November, 1722, declared to be in such freemen as have served seven years apprenticeship to one and the same trade in the said city, or the suburbs thereof, and do not receive alms or weekly charity, such freemen being duly sworn and inrolled : and whereas great frauds and abuses were committed, in clandestinely admitting persons, having no such right to the freedom of the city of *Coventry*, during the last election of members to serve in parliament for the said city, in order to influence the said election, to the great infringement of the rights of the true electors of the said city, and in violation of the freedom of elections : to prevent such practices for the future, Be it enacted, &c. That, from and after the passing of this act, an open council shall be held at *St. Mary's Hall* in the said city, on the first and last *Tuesday* in every kalendar month, for the purpose, on the first *Tuesday* in each month, of receiving and proclaiming aloud the names of every person or

An open council to be held at *St. Mary's Hall*, on the first and last *Tuesday* in every month.

persons who shall then present, or cause to be presented, an account in writing of the particulars of his or their claim to the freedom of the said city, and for the purpose, on the last *Tuesday* in each month, of admitting to the freedom of the said city such person or persons as shall then appear and claim to be so admitted, he or they first verifying upon oath the particulars of his or their claim delivered in at the preceding council; and that the council which shall be holden on the first *Tuesday* in each month shall assemble at ten in the morning, and continue open a convenient time, for receiving such claims as shall then be preferred; and the council which shall be holden on the last *Tuesday* in each month shall continue open from the hour of ten in the morning till three o'clock in the afternoon of the same day, or for such shorter time as shall be found sufficient for hearing and determining any claims which shall then have been preferred; and if any such claims shall then remain unheard or undetermined, the said council shall be adjourned from day to day, and continue open on each day in manner aforesaid, for hearing and determining such claims.

2. AND be it further enacted by the authority aforesaid, That, from and after the passing of this act, no greater fee than three shillings, over and above the expence of the necessary stamps, shall be demanded or taken of any person or persons who shall be so admitted to his or their freedom at any such council.

Limitation of the expence of taking up the freedom.

3. AND be it further enacted, by the authority aforesaid, That not person shall be admitted to the freedom of the said city, at any council to be held for that purpose, who shall not produce evidence of regular indentures or deeds of apprenticeship for seven years, as required by the resolution aforesaid, and who shall not also declare upon oath the name or names of his master or masters, the trade to which he served under him or them, the place of his or their residence during the time he served, and of his own residence at the time of his claiming to be admitted to the freedom of the said city; and that it shall be lawful for such persons so claiming their freedom as aforesaid, to come to such council attended with their agents, who shall be present at their admission, if they so require it; and such council are hereby authorized and required to administer such oath as aforesaid.

Particulars to be observed by those who take it up.

Town clerk to enter the above particulars in a book.

4. AND be it further enacted by the authority aforesaid, That the town clerk shall enter all the above particulars in the admission book under the name of each person who is admitted to the freedom of the said city; and that the said town clerk and the mayor, and each of the members composing the council at which such freemen shall be admitted, shall openly subscribe their names to the said entries.

Lists of the names of all the freemen, &c. admitted, to be pasted on the church doors.

5. AND be it further enacted by the authority aforesaid, That lists of the names of all persons claiming to be admitted freemen, and of all the freemen admitted at any council to be held in the manner aforesaid, shall be made out in writing, and signed by the town clerk, and be pasted

or fixed upon the doors of all the churches in *Coven-try*, within twenty-four hours after the holding of such council.

6. AND be it further enacted by the authority aforesaid, That no council shall be held for receiving claims of persons claiming to be admitted to the freedom of the said city after the day on which notice shall be given by the sheriff or sheriffs, according to the statute, of any election for a member or members to serve in parliament for the said city, till after the final close of every such election.

Councils not to be held during a certain time specified.

7. AND be it further enacted by the authority aforesaid, That, at every election of members to serve in parliament for the said city, every person who shall come to poll at such election, shall, if required by any candidate at such election, or by any two or more persons having a right to vote at such elections, previous to his being permitted to poll, take the following oath, or, being one of the persons called *Quakers*, shall solemnly affirm the effect thereof (that is to say)

Electors to be sworn.

"You do swear, That your name is A. B. and that you have been admitted to the freedom of the city of *Coven-try* under indentures, or deeds of apprenticeship, and that you have served seven years apprenticeship to one and the same trade in the said city, or the suburbs thereof; and that you are of the age of twenty-one years, or upwards; and have not been polled before at this election. So help you God."

The oath.

Which oath the returning officer or officers, or his deputy, is hereby impowered to administer.

8. AND be it further enacted by the authority aforesaid, That all persons who shall be guilty of wilful and corrupt perjury, in consequence of any oath which they shall have taken by the direction of this act, shall, on conviction thereof, incur and suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the laws and statutes of this realm.

Penalty on persons guilty of perjury.

9. AND be it further enacted by the authority aforesaid, That, if the returning officer or officers, at any election of a member or members to serve in parliament for the said city, shall wilfully admit any person to poll at such election without his having first taken the abovementioned oath, if required so to do, in manner aforesaid, the said returning officer or officers shall, for every such offence, forfeit and pay the sum of one hundred pounds to him, her, or them, who shall sue for the same.

Penalty on returning officer for admitting persons to poll without being sworn;

10. AND be it further enacted by the authority aforesaid, That if the mayor, and the other members composing any council to be held for the purpose of proclaiming the persons presenting accounts of their claim to the freedom of the said city, or for the purpose of admitting such persons to the freedom of the said city, shall refuse to proclaim, or to admit such person or persons as shall come and prove their titles according to the provisions of this act, they shall, for every such offence, forfeit and pay the sum of one hundred pounds.

And on members of the council for refusing to admit electors, &c.

11 PROVIDED always, That if any doubts shall arise as to the legality of the titles so sworn to, it shall and may

Provide.

be lawful for the said council to hear witnesses, and admit evidences to disprove the same.

Penalty on town clerk for making fraudulent entries, &c.

12. AND be it further enacted by the authority aforesaid, That if the town clerk shall neglect to make the proper entries, or shall make any false and fraudulent entries in the admission book; or if he shall neglect to make out and sign the lists of the freemen admitted, and cause them to be pasted or fixed on the doors of the churches in manner herein-before directed; or if he shall make out, sign, or cause to be pasted or fixed on the doors of the churches as aforesaid, any false or fraudulent list, he shall, for every such offence, forfeit the sum of ten pounds.

To what freemen this act shall extend.

13. PROVIDED also, and it is hereby enacted and declared, That this act shall not extend, nor be construed to extend, to any freemen of the said city but such as have a right to vote in the election of members to serve in parliament for the said city.

Election booth where to be erected.

14. AND be it further enacted, That the returning officer or officers shall, at all future elections of citizens to serve in parliament for the said city, cause the booth for holding such election to be erected in the widest and most convenient part of the open market-place called Cross-cheaping, not contiguous to any other building.

Penalties how to be recovered.

15. AND be it further enacted by the authority aforesaid, That all penalties laid or imposed by this act shall be recovered, with full costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, wherein no essoin protection, wager of law, or more than one imparlance, shall be allowed.

Limitation of actions.

16. PROVIDED always, and it is hereby further enacted and declared by the authority aforesaid, That no person shall be liable to any penalty by this act laid or imposed, unless prosecution be commenced within one year after such penalty shall be incurred.

Public act.

17. AND it is further enacted by the authority aforesaid, That this act shall be deemed, adjudged, and taken to be a public act; and be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same.

Deeds or indentures of apprenticeship, &c. shall be registered by the town clerk.

18. AND be it further enacted by the authority aforesaid, that the dates of all deeds or indentures of apprenticeship, together with the names of the parties, and their places of abode, which from and after the passing of this act, shall be made and executed, between any person or persons residing in the said city of *Coventry*, or the suburbs thereof, and his, her, or their apprentice or apprentices, under which such apprentice or apprentices may hereafter have a right to be admitted to the freedom of the said city, shall be registered in a book to be kept for that purpose by the town clerk of the same city for the time being, within the space of six kalendar months next after the execution thereof; which the said town clerk is hereby required to register, and on such deeds or indenture to indorse a certificate of such register; and in default thereof, such deeds or indentures shall, to all intents and purposes, be null and void.

ANNO 22^o GEORGE III. CAP. 31.

An Act for the preventing of Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Cricklade, in the County of Wilts. A. D. 1781.

Preamble.
WHEREAS there was the most notorious bribery and corruption at the last election of burgesses to serve in parliament for the borough of *Cricklade* in the county of *Wilts*; and whereas such bribery and corruption is likely to continue and be practised in the said borough in future, unless some means are taken to prevent the same: in order, therefore, to prevent such unlawful practices for the future, and that the said borough may from henceforth be duly represented in parliament: Be it enacted, &c. That from henceforth it shall and may be lawful to and for every freeholder, being above the age of twenty-one years, who shall have, within the hundreds or divisions of *Highworth*, *Cricklade*, *Staple*, *Kingsbridge*, and *Malmsbury*, or one or more of them, in the county of *Wilts*, a freehold of the clear yearly value of forty shillings, to give his vote at every election of a burgess or burgesses to serve in parliament for the said borough of *Cricklade*.

Certain freeholders intitled to vote for the borough of *Cricklade*.

3. AND be it further enacted by the authority aforesaid, That the right of election of a member or members to serve in parliament for the said borough of *Cricklade*, shall be, and is hereby declared to be, in such freeholders as aforesaid, and in the persons who, by the custom and usage of the said borough, have, or shall hereafter have, a right to vote at such election; and the proper officer for the time being, to whom the return of every writ or process does belong, is hereby required to return the person or persons to serve in parliament for the said borough who shall have the major number of votes of such freeholders and other persons having a right to vote at such election; any law or usage to the contrary notwithstanding.

Customary voters also intitled.

3. PROVIDED always, That such freeholders only shall be entitled to vote as shall be duly qualified to vote at elections for knights of the shire for the said county of *Wilts*, according to the laws now in being for regulating county elections.

No freeholders to vote but such as are qualified to be county voters.

4. AND be it further enacted by the authority aforesaid, That every such freeholder, before he is admitted to poll at any election for the said borough, shall, if required by the candidates, or any of them, or any other person having a right to vote at the said election, first take the oath, or, being one of the people called *Quakers*, the solemn affirmation following, viz.

Freeholders to be sworn.

“ I do swear, [or, being a *Quaker*, solemnly affirm] That I am a freeholder in the hundreds or divisions of *Highworth*, *Cricklade*, *Staple*, *Malmsbury*, and *Kingsbridge*, or any one or more of them, in the county of *Wilts*, and have a freehold estate, consisting of [specifying the nature thereof; and if it consists in messuages, lands, tenements, or tithes, in whose occupation the same are;

The oath.

and if in rents, the names of the owners or possessors of the tenements out of which such rent is issuing, or some of them], situate, lying, or being at _____ in the aforesaid hundreds or divisions, or in one or more of them, of the clear yearly value of forty shillings, over and above all rents and charges payable out of, or in respect of the same; and that I have been in the actual possession or receipt of the rents and profits thereof, for my own use, above twelve kalendar months, [or, that the same came to me within the time aforesaid by descent, marriage, marriage settlement, devise, or promotion to a benefice in a church, or by promotion to an office]; and that such freehold estate has not been granted or made to me fraudulently, on purpose to qualify me to give my vote; and that the place of my abode is at _____ in _____, and that I am twenty-one years of age, as I believe, and that I have not been polled before at this election."

Penalty on committing perjury, or subornation thereof.

Which oath, or solemn affirmation, the proper officer, to whom the return of any writ or precept for such election shall belong, is hereby required to administer: and in case any freeholder, or other person taking the said oath or affirmation hereby appointed, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any freeholder or other person to take the said oath or affirmation, in order to be polled, whereby he shall commit such wilful perjury, and shall be thereof convicted, he and they, for every such offence respectively, shall incur such penalties as are inflicted on persons guilty of perjury, or subornation of perjury, in and by two acts of parliament, one made in the 5th year of the reign of queen Elizabeth, intituled, An act for punishing such persons as shall procure or commit wilful perjury, or suborn or procure any person to commit any wilful or corrupt perjury; and the other, made in the 2d year of the reign of his late majesty king George the Second, intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money, contrary to the said acts.

How officer to proceed on receiving any writ for election.

5. And be it further enacted by the authority aforesaid, That such proper officer, to whom any writ or precept shall be directed for making any election for the said borough, shall, upon the receipt of such writ or precept, indorse upon the back thereof the day of his receipt thereof, in the presence of the party from whom he received such precept, and shall forthwith cause public notice to be given within the said borough of Cricklade, and the several towns of Highworth, Malmsbury, Swindon, and Wotton Bassett, by affixing up a notice thereof in writing on the market-houses, or on the doors of the churches of the said towns of the day of election; and shall proceed to election thereupon within the space of twelve days, and not less than eight days, next after his receipt of the same precept.

6. And be it further enacted by the authority afore-

said, That this act shall be publicly read at every election for the said borough of Cricklade, immediately after the acts directed by any act of parliament to be read thereat, and before the persons present shall proceed to make such election.

This act to be read previous to any election.

ANNO 22^o GEORGII III. CAP. 41.

An Act for better securing the Freedom of Elections of Members to serve in Parliament, by disabling certain Officers, employed in the Collection or Management of His Majesty's Revenues, from giving their Votes at such Elections.
A. D. 1781.

FOR the better securing the freedom of elections of members to serve in parliament, Be it enacted, &c. That from and after the first day of August, 1782, no commissioner, collector, supervisor, gauger, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise, or any branch or part thereof; nor any commissioner, collector, comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof; nor any commissioner, officer, or other person concerned or employed in collecting, receiving, or managing, any of the duties on stamped vellum, parchment, and paper, nor any person appointed by the commissioners for distributing of stamps; nor any commissioner, officer, or other person employed in collecting, levying, or managing any of the duties on salt; nor any surveyor, collector, comptroller, inspector, officer, or other person employed in collecting, managing, or receiving the duties on windows or houses; nor any postmaster, postmasters general, or his or their deputy or deputies, or any person employed by or under him or them in receiving, collecting, or managing the revenue of the post-office, or any part thereof: nor any captain, master, or mate of any ship, packet, or other vessel employed by or under the postmaster or postmasters general in conveying the mail to and from foreign ports, shall be capable of giving his vote for the election of any knight of the shire, commissioner, citizen, burgess, or baron to serve in parliament for any county, stewartry, city, borough, or cinque port, or for chusing any delegate in whom the right of electing members to serve in parliament, for that part of Great Britain called Scotland, is vested: and if any person, hereby made incapable of voting as aforesaid, shall nevertheless presume to give his vote, during the time he shall hold, or within twelve kalendar months after he shall cease to hold, or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds; one moiety thereof to the informer, and the other moiety thereof to be im-

From Aug. 1, 1782, no commissioner or officer employed in collecting or managing the duties of excise, customs, &c. shall have any vote in the election of members of parliament.

Penalty on persons voting who are disqualified by this act.

diately paid into the hands of the treasurer of the county, riding, or division, within which such offence shall have been committed, in that part of Great Britain called England; and into the hands of the clerk of the justices of the peace of the counties or stewardries, in that part of Great Britain called Scotland, to be applied and disposed of to such purposes as the justices at the next general quarter session of the peace to be held for such county, tewartry, riding, or division, shall think fit; to be recovered by any person that shall sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, in which no essoin, protection, privilege, or wager of law, or more than one imparlance, shall be allowed, or by summary complaint before the court of session in Scotland; and the person convicted on any such suit shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under his majesty, his heirs and successors.

Not to extend to commissioners of the land tax, or persons acting under them;

2. PROVIDED always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to any person or persons for or by reason of his or their being a commissioner or commissioners of the land tax, or for or by reason of his or their acting by or under the appointment of such commissioners of the land tax, for the purpose of assessing, levying, collecting, receiving, or managing the land tax, or any other rates or duties already granted or imposed, or which shall hereafter be granted or imposed by authority of parliament.

Nor to offices held by letters patent for any estate of inheritance;

3. PROVIDED also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to any office now held, or usually granted to be held, by letters patent for any estate of inheritance or freehold.

Nor to persons who shall resign their offices before Aug. 1, 1782.

4. PROVIDED always, and be it enacted by the authority aforesaid, That nothing herein contained shall extend to any person who shall resign his office or employment on or before the said first day of August, 1782.

Limitation of actions.

5. PROVIDED also, and be it enacted, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such penalty or forfeiture shall be incurred.

ANNO 22^o GEORGII III. CAP. 45.

An Act for restraining any Person concerned in any Contract, Commission, or Agreement, made for the Public Service, from being elected, or sitting and voting as a Member of the House of Commons.
A. D. 1781.

For further securing the freedom and independence of parliament, Be it enacted, &c. That, from and after the end of this present session of parliament, any person who shall, directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his

After the end of this session, all persons holding contracts for the

account, undertake, execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission, made or entered into with, under, or from the commissioners of his majesty's treasury, or of the navy or victualling-office, or with the master general or board of ordnance, or with any one or more of such commissioners, or with any other person or persons whatsoever, for or on account of the public service; or shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission, which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandize to be used or employed in the service of the public, shall be incapable of being elected, or of sitting or voting as a member of the house of commons, during the time that he shall execute, hold, or enjoy, any such contract, agreement, or commission, or any part or share thereof, or any benefit or emolument arising from the same.

public service. shall be incapable of being elected, or sitting in the house of commons.

2. AND be it further enacted by the authority aforesaid, That if any person, being a member of the house of commons, shall directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake, or execute, in the whole or in part, any such contract, agreement, or commission, as aforesaid; or if any person, being a member of the house of commons, and having already entered into such contract, agreement, or commission, or part or share of any such contract, agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of parliament, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such person in the house of commons shall be, and is hereby declared to be void.

Any member accepting a contract, or continuing to hold any contract after the commencement of the next session, his seat shall be void.

3. PROVIDED always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to any contract, agreement, or commission made, entered into, or accepted, by any incorporated trading company in its corporate capacity, nor to any company now existing or established and consisting of more than ten persons, where such contract, agreement, or commission, shall be made, entered into, or accepted, for the general benefit of such incorporation or company.

Not to extend to incorporated trading companies.

4. PROVIDED also, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to any contract, agreement, or commission, made, entered into, or accepted, before the passing of this act, the term whereof will expire in the space of one year from the time of making thereof.

Not to extend to contracts already made one year.

5. PROVIDED also, and be it enacted, That where any contract, agreement, or commission, has been made, entered into, or accepted, with a provision that the same shall continue until a year's notice be given of the intended dissolution thereof, the same shall not disable any person from

Clause relative to contracts which are not to expire until a year's notice be given.

sitting and voting in parliament until one year after the said notice shall be actually given for the determination of the said contract, agreement, or commission, or till after twelve kalendar months, to be computed from the time of passing this act.

Not to extend to contracts, by descent, &c. until after 12 months possession.

6. PROVIDED also, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to any person, on whom, after the passing of this act, the completion of any contract, agreement, or commission, shall devolve by descent or limitation, or by marriage, or as devisee, legatee, executor, or administrator, until twelve kalendar months after he shall have been in possession of the same.

Members holding contracts may be discharged therefrom on giving twelve months notice.

7. PROVIDED also, and be it enacted, That any person who is now a member of the house of commons, and holds and enjoys any such contract, agreement, or commission, as aforesaid, may be discharged from the execution thereof on giving twelve months notice to the person or persons with or from whom such contract, agreement, or commission, is made, entered into, or accepted, of his desire that the same shall cease and determine; and such contract, agreement, or commission, after the expiration of the term aforesaid, shall be null and void.

Clause relative to patents for new inventions.

8. PROVIDED also, That if any person actually possessed of a patent for a new invention, or a prolongation thereof by act of parliament, and having contracted with government concerning the object of the said patent before the passing of this act, shall give notice of his intention to dissolve the said contract, the same shall be null and void from the time of giving such notice.

If any person hereby disqualified, shall be elected, such election shall be void.

Disabled persons who shall sit in the house of commons after this session, shall forfeit 500l. for each day.

9. AND be it further enacted, by the authority aforesaid, That if any person hereby disabled, or declared to be incapable to sit or vote in parliament, shall nevertheless be returned as a member to serve for any county, stow- artry, city, borough, town, cinque port, or place, in parliament, such election and return are hereby enacted and declared to be void; and if any person, disabled and declared incapable by this act to be elected, shall, after the end of this present session of parliament, presume to sit or vote as member of the house of commons, such person so sitting or voting shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same, in any of his majesty's courts at Westminster; and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance shall be allowed; or by summary complaint before the court of session in Scotland; and every person, against whom any such penalty or forfeiture shall be recovered by virtue of this act, shall be from thenceforth incapable of taking or holding any contract, agreement, or commission, for the public service, or any share thereof, or any benefit or emolument from the same, in any manner whatsoever.

10. AND be it enacted, That in every such contract, agreement, or commission, to be made, entered into, or accepted, as aforesaid, there shall be inserted an express condition, that no member of the house of commons be admitted to any share or part of such contract, agreement, or commission, or to any benefit to arise therefrom; and that in case any person or persons who hath or have entered into or accepted, or who shall enter into or accept, any such contract, agreement, or commission, shall admit any member or members of the house of commons to any part or share thereof, or to receive any benefit thereby, all and every such person and persons shall, for every such offence, forfeit and pay the sum of five hundred pounds, to be recovered, with full costs of suit, in any of his majesty's courts of record at Westminster, by any person or persons who shall sue for the same, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; or by summary complaint before the court of session in Scotland.

A condition to be inserted in all public contracts, that no member of the house of commons shall have any share thereof.

Penalty on contractors who shall admit any member of the house of commons to any share of their contracts.

11. PROVIDED also, and be it enacted, That no person shall be liable to any forfeiture or penalty inflicted by this act, unless a prosecution shall be commenced within twelve kalendar months after such penalty or forfeiture shall be incurred.

Limitation of actions.

ANNO 24th GEORGII III. CAP. 26.

An Act to repeal so much of two Acts, made in the 10th and 15th Years of the Reign of his present Majesty, as authorizes the Speaker of the House of Commons to issue his Warrant to the Clerk of the Crown for making out Writs for the Election of Members to serve in Parliament, in the manner therein mentioned; and for substituting other Provisions for the like Purposes.

A. D. 1784.

WHEREAS by an Act, made in the 10th year of the reign of his present majesty, intituled, "An act to enable the speaker of the house of commons to issue his warrants to make out new writs for the choice of members to serve in parliament, in the room of such members as shall die during the recess of parliament;" and also by another act passed in the 15th year of the reign of his present majesty, "for explaining and amending the said act, and for enabling the speaker of the house of commons to make out new writs for the choice of members to serve in parliament, in the room of such members as shall, during the recess of parliament, become peers of Great Britain, and be summoned to parliament," and for other the purposes therein mentioned; several provisions were made for enabling the speaker of the house of commons to issue his warrants to the clerk of the crown to make out new writs for electing members of the house of commons in the room of such members as should happen to die, or become peers of Great Britain, at the times, in the manner, and under the

10 Geo. 3, c. 41.

and 15 Geo. 3, c. 36.

restrictions in the said several acts mentioned; and whereas the said acts have been found highly advantageous to the public, by causing speedy elections of members of the house of commons, and it is therefore expedient, that the provisions therein contained should be further extended, and freed from certain of the restrictions in the said acts particularly specified, and also that some further provisions should be made for carrying the said powers into execution, in the cases of the death of the speaker of the house of commons for the time being, or of his seat in parliament becoming vacant, or of his absence out of the realm; and it would be also convenient that the provisions contained in the said two several acts of parliament, and of this act, should be reduced into one act of parliament, and that, for that purpose, those provisions contained in the said two several acts should be repealed: Be it therefore enacted, &c. That, from and after the passing of this act, the said act, passed in the 10th year of the reign of his present majesty, and also so much of the said act, passed in the 15th year of the reign of his present majesty, as enables the speaker of the house of commons to issue his warrants to make out new writs for the election of members to serve in parliament, shall be, and the same are hereby repealed.

The recited act of 10 G. 3. repealed; and part of 15 G. 3. c. 36.

2. AND be it enacted, That, from and after the passing of this act, it shall and may be lawful for the speaker of the house of commons for the time being, during any recess of the said house, whether by prorogation or adjournment, and he is hereby required to issue his warrant to the clerk of the crown, to make out a new writ for electing a member of the house of commons in the room of any member of the said house who shall happen to die, or who shall become a peer of Great Britain, either during the said recess, or previous thereto, as soon as he shall receive notice, by a certificate, under the hands of two members of the house of commons, of the death of such member, in the first case; and in the second case, that a writ of summons hath been issued, under the great seal of Great Britain, to summon such peer to parliament; which certificate may be in the form, or to the effect, comprised in the schedule hereunto annexed.

Speaker to issue his warrant, during a recess, for making out writs for electing members in the room of those who shall die or become peers of Great Britain.

3. PROVIDED always, and be it enacted, That the speaker of the house of commons shall forthwith, after his receiving such certificate, cause notice thereof to be inserted in the London Gazette, and shall not issue his warrant until fourteen days after the insertion of such notice in the Gazette.

Certificates of vacancies to be notified in the Gazette.

4. PROVIDED also, That nothing herein contained shall extend to enable the speaker of the house of commons to issue his warrant for the purposes aforesaid, unless the return of the writ (by virtue of which such member deceased, or become a peer of Great Britain, was elected) shall have been brought into the office of the clerk of the crown, fifteen days at the least before the end of the last sitting of the house of commons immediately preceding the

Certain restrictions on the speaker relative to issuing his warrant.

time when such application shall be made to the speaker of the house of commons to issue warrant as aforesaid, nor unless such application shall be made so long before the then next meeting of the house of commons for the dispatch of business, as that the writ for the election may be issued before the day of such next meeting of the house of commons; nor in case such application shall be made with respect to any seat in the house of commons which shall have been vacated in either of the methods before-mentioned, by any member of that house against whose election or return to serve in parliament a petition was depending, at the time of the then last prorogation of parliament, or adjournment of the house of commons.

5. AND whereas the due execution of this act may be prevented or impeded by the death of the speaker of the house of commons for the time being, or by his seat in parliament becoming vacant, or by his absence out of the realm, for which inconveniencies it is expedient to provide a remedy; Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for the present speaker of the house of commons, and he is hereby required, within a convenient time after the passing of this act, and for every future speaker of the house of commons, and he is hereby required within a convenient time after he shall be in that office, at the beginning of any parliament, by any instrument in writing under his hand and seal, to nominate and appoint a certain number of persons, not more than seven, nor less than three, members of the house of commons at the time being, thereby authorizing them, or any of them, to execute all and singular the powers given to the speaker of the house of commons for the time being, for issuing such warrants as aforesaid, by virtue of this act, subject nevertheless to such regulations and exceptions as are herein also contained; which instrument of appointment and authority shall, notwithstanding the death of the speaker of the house of commons making and executing the same, or the vacating his seat in parliament, continue and remain in full force until the dissolution of the parliament in which it shall be made.

Speaker to authorize a certain number of members of the house of commons to execute the powers given to him by this act.

6. PROVIDED always, and be it enacted, That whenever and as often as the said number of persons, so to be appointed as aforesaid, shall, by death, or by their seats in parliament being vacated, happen to be reduced to less than three, it shall and may be lawful for the speaker of the house of commons for the time being to make a new appointment in the manner herein-before directed.

When such number shall be reduced to less than three, a new appointment to be made.

7. PROVIDED also, That every such appointment shall be entered in the journals of the house of commons, and be also published once in the London Gazette; and the instrument of such appointment shall be preserved by the clerk of the house of commons, and a duplicate thereof shall be filed in the office of the clerk of the crown in chancery.

Appointments to be entered in the journals of the house, and published in the Gazette.

8. PROVIDED also, That nothing in this act contained shall extend, or be construed to extend, to give any power

In what cases only, such persons are empowered to act.

Publisher of the Gazette to give receipts for notices.

or authority whatsoever to any person so to be nominated and appointed as aforesaid, except in the case of there being no speaker of the house of commons, or of his being absent out of the realm, nor for any longer time than such person, so to be appointed as aforesaid, shall continue a member of the house of commons; any thing herein contained to the contrary notwithstanding.

9. AND be it enacted, That the publisher of the Gazette for the time being, when any such notice as aforesaid of the issuing of any such warrant shall be brought to him, signed by any person so appointed as aforesaid, shall give a receipt for the same, specifying the day and hour when the same was received; and in case more than one such notice shall be brought to him, relative to the same election, such publisher shall insert in the Gazette only the notice first received.

SCHEDULE.

WE whose names are underwritten, being two members of the house of commons, do hereby certify, That *M. P.* late a member of the said house, serving as one of the knights of the shire for the county of [or as the case may be] died upon the day of [or is become a peer of Great Britain], and that a writ of summons hath been issued, under the great seal of Great Britain, to summon him to parliament [or as the case may be]; and we give you this notice, to the intent that you may issue your warrant to the clerk of the crown, to make out a new writ for the election of a knight to serve in parliament for the said county of [or as the case may be] in the room of the said *M. P.* Given under our hands, this day of

To the Speaker of
the House of Commons.

Note, That in case there shall be no speaker of the house of commons, or of his absence out of the realm, such certificate may be addressed to any one of the persons appointed according to the directions of this act.

ANNO 25^o GEORGE III. CAP. 84.

An Act to limit the Duration of Polls and Scrutinies, and for making other Regulations touching the Election of Members to serve in Parliament for Places within England and Wales, and for Berwick upon Tweed; and also for removing Difficulties which may arise for want of Returns being made of Members to serve in Parliament.

A. D. 1785.

FOR the better regulation of polls and scrutinies, Be it enacted, &c. That, from and after the first day of August 1785, every 1785, EVERY POLL WHICH SHALL BE DEMANDED at any election for a member or members to serve in parliament for

From Aug. 1, 1785, every poll must commence, at the

any county, city, borough, or other place, within England, Wales, or for the town of Berwick upon Tweed, shall commence on the day upon which the same shall be demanded, or upon the next day at farthest, (unless it shall happen to be a Sunday, and then on the day after); and shall be duly and regularly proceeded in from day to day (Sundays excepted) until the same be finished, but so as that no poll for the election of any member or members to serve in parliament, shall continue more than fifteen days at most (Sundays excepted); and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately, or on the day next after the final close of the poll, truly, fairly, and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, *unless the returning officer or officers, upon a scrutiny being demanded by any candidate, or any two or more electors, shall deem it necessary to grant the same*; in which case, it shall and may be lawful for him so to do, and to proceed thereupon, but so as that in all cases of a general election, every returning officer or officers having the return of a writ, shall cause a return of a member or members to be filed in the crown office on or before the day on which such writ is returnable; and every other returning officer or officers, acting under a precept or mandate, shall make a return of a member or members, in obedience to such precept or mandate, at least six days before the day of the return of the writ by virtue of which such election has been made; and so that in case of any election, upon a writ issued during a session or prorogation of parliament, and a scrutiny being granted as aforesaid, then that a return of a member or members shall be made within thirty days after the close of the poll, (or sooner, if the same can conveniently be done).

latest, the day after it is demanded, unless it be Sunday, and must not continue more than 15 days.

Return to be made at the close of the poll, or the day after, unless a scrutiny is demanded.

Regulations for making returns in case of a scrutiny. }

2. AND be it enacted, That whenever a scrutiny shall be granted as aforesaid, and there shall be more parties than one objecting to votes on such scrutiny, the returning officer or returning officers, shall decide alternately, or by turns, on the votes given for the different candidates who shall be parties to such scrutiny, or against whom the same shall be carried on.

Objections to voters to be decided alternately.

3. AND, in order that the electors may have full time and opportunity to poll, Be it enacted, That all and every returning officer and officers, unless prevented by an unavoidable accident, SHALL, during the continuance of the poll, on every day subsequent to the commencement of the same, cause the said poll to BE KEPT OPEN FOR SEVEN HOURS AT THE LEAST IN EACH DAY, between the hours of eight in the morning and eight at night.

Poll to be kept open seven hours daily.

4. AND whereas inconveniences may arise from the time allowed by the laws now in being for proceeding to an election of a knight or knights to serve in parliament, for any county or shire in England or Wales; Be it en-

Within two days after receipt of the writ, proclamation to be made of the election, which must begin between the 10th and 16th day after proclamation.

acted, That immediately after the receipt of the writ for making any such election, and indorsing on the back thereof the day of receiving the same, as by law required, it shall and may be lawful for the sheriff of such county or shire, and he is hereby required, within two days after the receipt thereof, to cause proclamation to be made at the place where the ensuing election ought by law to be holden, of a special county court to be there holden for the purpose of such election only, on any day, Sunday excepted, not later from the day of making such proclamation than the sixteenth day, nor sooner than the tenth day; and that he shall proceed in such election, at such special county court, in the same manner as if the said election was to be held at a county court, or at an adjourned county court, according to the laws now in being: Provided always, That the usual county court for all other purposes, or any adjournment made thereof, shall take place, be held, and proceeded in, by the sheriff, or his deputy, and may from time to time be further adjourned and proceeded in, in such and the same manner, and at the same times and places, as if the writ for the election of a knight or knights of the shire had not been received.

5. AND whereas, although from the various and disputed rights of voting in several cities, boroughs and other places, a positive oath of qualification cannot be required from the electors, yet it is apprehended that unqualified persons may be deterred from polling at such elections, under fictitious names or otherwise, by requiring from electors previously to their polling, the oath or affirmation herein-after mentioned; Be it therefore further enacted, That, from and after the said first day of August, 1786, upon every election to be made, within that part of Great Britain called England, or Wales, or town of Berwick upon Tweed, of any member or members to serve in parliament, in all cases where no oath or affirmation of qualification, other than the oaths or affirmations against bribery, or of allegiance, supremacy, and abjuration, can now by law be required, every person claiming to give his vote at the said election, shall (if required by any candidate, or any person having a right to vote at such election), before he is admitted to poll, take the oath (or, being one of the people called *Quakers*, make the solemn affirmation) following; (that is to say),

An oath to be taken previous to polling.

The oath.

“I do swear, (or being a *Quaker*, do affirm), That my name is *A. B.* and that I am [specifying the addition, profession, or trade of such person], and that the place of my abode is at _____ in the county of _____ [and if it is a town consisting of more streets than one, specifying what street]; and that I have not before polled at this election; and that I verily believe myself to be of the full age of twenty-one years.”

Which oath, or solemn affirmation, the returning officer or officers at such election, and his or their deputies and poll clerks, is or are hereby authorized and required to administer.

6. AND be it further enacted, That, from and after the first day of August, 1785, upon every election of any member or members to serve in parliament for any county, city, borough, or place, within England or Wales, or for Berwick upon Tweed, it shall and may be lawful for the returning officer or officers, if he or they see cause, and he and they are in such case authorized, during the continuance of any scrutiny which shall have been granted as aforesaid, to administer an oath to *any person whatsoever consenting to take the same*, touching the right of any person having voted at such election, or touching any other matter or thing material or necessary towards carrying on such scrutiny.

Returning officers authorized to administer oaths during a scrutiny.

7. AND whereas it is expedient that all persons employed as poll clerks at elections, should take an oath for the faithful discharge of their office, but the same is not at present required or authorized by law, except in counties and other places for which there are express provisions made by statute; Be it therefore enacted, That, from and after the said first day of August, 1785, at every election of any member or members of parliament for any city, borough or other place, within England or Wales, or town of Berwick upon Tweed, every person whom the returning officer or officers shall retain to act as a clerk in taking the poll shall, before beginning to take such poll, be sworn by such returning officer or officers truly and indifferently to take the said poll, and to set down the name of each voter, and his addition, profession, or trade, and the place of his abode, and for whom he shall poll; and to poll no person who is not sworn or put to his affirmation, where, by this or any other statute, any oath or affirmation now is or hereafter shall be required, which oath of every such poll clerk the said returning officer or officers is or are hereby authorized and required to administer.

Poll clerks to take an oath for the faithful discharge of their duty.

8. AND be it further enacted, That if any person, in taking any oath or affirmation herein-before appointed or authorized to be taken before any returning officer or officers, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any other person to take any such oath or affirmation, whereby he or she shall commit such wilful perjury, and shall be thereof convicted, he or she so offending shall incur such pains and penalties as are inflicted in and by two acts of parliament, the one made in the 5th year of the reign of the late queen Elizabeth (intituled, An act for punishment of such person as shall procure or commit any wilful perjury); the other made in the 2d year of his late majesty king George the Second (intituled, An act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money), for any perjury or subornation of perjury, contrary to the said acts.

Persons taking, or suborning others to take, a false oath, liable to the pains inflicted by 5 Eliz. c. 9; and 2 Geo. 2. c. 25.

9. PROVIDED always, and be it enacted, That nothing in this act before contained shall extend to, or in any wise

Not to extend to places where particu-

lar regulations have been enacted by statute.

affect, alter, or regulate the mode or time of proceeding at any election of any member or members for any place where particular regulations, touching the duration of polls and scrutinies, are specially enacted by statute, but that every such election shall be begun and carried on in the same manner as if this act had not been made.

Where returns have not been duly made, a select committee may be appointed, conformable to 10 Geo. 3. c. 16, and 11 Geo. 3. c. 42.

10. AND whereas an act was passed in the 10th year of his present majesty's reign (intituled, An act to regulate the trials of controverted elections, or returns of members to serve in parliament); and another act was passed in the 11th year of his said majesty's reign, for explaining and amending the said former act; and whereas no provision is made therein for the hearing and determining any petition, unless the same shall complain of an undue election or return of members to serve in parliament; Be it therefore enacted, That from and after the first day of August, 1785, if upon any writ or writs to be issued for the electing of any member or members to serve in parliament, no return shall be made to the same on or before the day which such writ is made returnable; or if a writ shall have been issued during any session or prorogation of parliament, and no return shall be made to the same within fifty-two days after the day on which such writ bears date; or if the return made in either of such cases shall not be a return of a member or members, according to the requisition thereof, but contain special matters only concerning such election, it shall and may be lawful for any person or persons, having had, or claiming to have had, a right to vote at such election, or claiming to have had a right to be returned as duly elected thereat, who shall think himself or themselves aggrieved, to petition the house of commons concerning the same; and upon such petition being presented, a day and hour shall be appointed for taking the same into consideration, and notice thereof in writing shall be forthwith given by the speaker to the petitioners, and to the returning officer or officers by whom such return ought to have been made, or shall have been made, accompanied with an order to him or them to attend the house at the time appointed, by himself or themselves, his or their council or agents; and a select committee shall be appointed according to the directions of the said two recited acts, for regulating the trial of controverted elections; which committee shall try and determine whether any, and which of the person or persons named in such petition ought to have been returned, or whether a new writ ought to issue; which determination shall be final to all intents and purposes; and the house being informed thereof by the chairman of the said select committee, shall order the same to be entered in their journals, and give the necessary directions for ordering a return to be made, or for altering the return if made, or for the issuing a new writ for a new election, or for carrying the said determination into execution, as the case may require.

Notice of the meeting of committees to be given to the petitioners and returning officers.

Regulations of 10 Geo. 3. c. 16, and 11

11. AND be it further enacted, That all and every the rules, regulations, authorities, and powers, given or

prescribed by either of the said recited acts for regulating the trial of controverted elections, with respect to select committees to be appointed by virtue of the said acts, or either of them, shall be in full force and effect with respect to select committees to be appointed by virtue of this present act, in as full and ample manner as if the same were herein repeated and particularly and specially enacted concerning the same.

Geo. 3. c. 42.
extended to
this act.

12. PROVIDED always, That if the returning officer or officers, by whom such return ought to have been made, or has been made, cannot be found so as to be served with the notice or order herein-before mentioned, or being served shall not appear by himself or themselves, his or their council or agents, at the day or time appointed for taking such petition into consideration, it shall and may be lawful for the house to permit or authorize any person to appear in the stead of him or them; and in case there shall be no more petitions than one presented, complaining of such return, or omission of a return, on distinct interest, or complaining upon different grounds, the house shall determine, from the nature of the case, whether the returning officer or officers, or person appearing in the stead of him or them, shall, together with such petitioners, be entitled to strike off from the list of members drawn by lot, in the manner directed by the said act, passed in the 11th year of the reign of his present Majesty, in the case where there shall be more than two parties before the house, or whether such list shall be reduced by the parties severally presenting the said petitions only.

When returning officers cannot be found, or do not appear at committees, other persons may be appointed to appear in their stead, and when more than one petition is presented, the house to determine whether returning officer is to strike off from the list of members drawn by lot.

13. AND be it enacted, That if any sheriff, or other returning officer or officers, who shall preside at any election of a member or members to serve in parliament for any county, city, borough, or place, shall wilfully offend against, or act contrary to the true intent and meaning of this act, every such person shall be liable to be prosecuted, by information or indictment in his majesty's court of king's bench, or at any court of oyer and terminer, great sessions, or gaol delivery, for the county, city, town, or place, where such offence shall be committed, in which no *noli prosequi* or *cesset processus* shall be granted; any law, custom, or usage to the contrary notwithstanding.

Returning officers liable to prosecution for offences against this act.

14. AND be it further enacted, That if any sheriff or returning officer shall wilfully delay, neglect, or refuse duly to return any person who ought to be returned to serve in parliament for any county, city, borough, or place within Great Britain, every such person may, in case it shall have been determined by a select committee, appointed in the manner herein-before directed, that such person was entitled to have been returned, sue the sheriff, or other officer or officers, having so wilfully delayed, neglected, or refused duly to make such return, and every or any of them, at his election, in any of his majesty's courts of record at Westminster, or of the court of session in Scotland; and shall recover double the damages he shall sustain by reason thereof, together with full costs of suit.

Returning officers may be sued for neglecting to return persons duly elected.

Actions to be commenced within one year after the offence, or six months after conclusion of proceedings in the house.

15. PROVIDED always, and be it further enacted, That, every indictment, information, or action, for any offence against this act, shall be found, filed, or commenced within one year after commission of the fact on which such indictment, information, or action shall be grounded, or within six months after the conclusion of any proceedings in the house of commons relating to such election.

Poll may be adjourned from Winchester to Newport in the Isle of Wight, &c.

16. PROVIDED always, That, notwithstanding any thing in this act contained, it shall and may be lawful for the sheriff of the county of Southampton, and he is hereby required, after any poll for the said county shall have closed at Winchester, and which shall always be closed within the space of fifteen days at the most, in the manner above required, to adjourn the poll to Newport in the Isle of Wight, in case the same shall be required by one or more of the candidates, so that every such adjourned poll shall commence within four days from the close of the poll at Winchester, and shall not continue longer than three days at the most.

ANNO 26^o GEORGII III. CAP. 100.

An Act to prevent occasional Inhabitants from voting in the Election of Members to serve in Parliament, for Cities and Boroughs, in that part of Great Britain called England, and the Dominion of Wales. A. D. 1786.

From Aug. 1, 1786, any person voting as an inhabitant, paying scot and lot, &c. who shall not have been so 6 months previous to the election, to forfeit 20l.;

WHEREAS it frequently happens, in cities and boroughs where the right of election of members to serve in parliament is in the inhabitants paying scot and lot, or in the inhabitants householders, housekeepers, and pot-wallers, legally settled, or in the inhabitants householders, housekeepers, and pot-wallers, or in the inhabitants householders resiant, or in the inhabitants within such cities or boroughs, that much trouble, expence, and litigation, is created by occasional voters, to the great prejudice of the real inhabitants, who bear the burthens of such cities and boroughs, and to whom the right of sending members to parliament belongs: for remedy thereof, Be it enacted, &c. That from and after the first day of August, 1786, no person shall be admitted to vote at any election of a member or members to serve in parliament for any city or borough of that part of Great Britain called England, or the dominion of Wales, as an inhabitant paying scot and lot, or as an inhabitant *householder, housekeeper, and pot-waller*, legally settled, or as an inhabitant householder, housekeeper, and pot-waller, or as an inhabitant householder resiant, or as an inhabitant of such city or borough, unless he shall have been actually and *bona fide* an inhabitant paying scot and lot, or an *inhabitant householder, housekeeper, and pot-waller*, legally settled, or an inhabitant householder, housekeeper, and pot-waller, or an inhabitant householder resiant, or an inhabitant within such city or borough, *six calendar months previous to the day* of the election at which he shall tender his vote; and if

any person shall vote at any such election, contrary to the true intent and meaning of this act, his vote shall be deemed null and void, and he shall forfeit, to any person who shall sue for the same, the sum of twenty pounds to be recovered by him or her, by action of debt, in any of his majesty's courts of record at Westminster, wherein no essoin, protection, wager of law, privilege, or imparlance, shall be admitted or allowed; and in every such action the proof of inhabitancy, as aforesaid, shall lie upon the person against whom the same shall be brought: Provided nevertheless, That such action be commenced within six kalendar months after the cause of action accrued: Provided also, that nothing in this act contained shall extend, or be construed to extend, to any person acquiring the possession of any house, in any city or borough, by descent, devise, marriage, or marriage settlement, or promotion to any office or benefice.

but not to extend to persons acquiring possession by descent, &c.

2. PROVIDED also, and be it further enacted, That this act shall relate only to those persons who claim to exercise the franchise of voting as inhabitants paying scot and lot, or as inhabitants householders, housekeepers, and pot-wallers, legally settled, or as inhabitants householders, housekeepers and pot-wallers, or as inhabitants householders residents, or as inhabitants within such cities, or boroughs, and shall not extend to any other description of persons who may claim to vote at any election for members to serve in parliament for such cities or boroughs, by any other title, or by any other superadded qualification.

nor to persons claiming a right to vote under any other description than inhabitants paying scot and lot, &c.

ANNO 28^o GEORGII III. CAP. 52.

An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament.

A. D. 1788.

WHEREAS, by an act of parliament passed in the 10th year of the reign of his present majesty, intituled, 'An act to regulate the trials of controverted elections, or returns of members to serve in parliament,' certain regulations were established, for a time therein limited, for the trials of controverted elections, or returns of members to serve in parliament; and whereas, by an act passed in the 11th year of the reign of his present majesty, intituled, 'An act to explain and amend an act made in the last session of parliament, intituled, an act to regulate the trials of controverted elections, or returns of members to serve in parliament,' further regulations were made therein; and whereas the provisions of the said acts were, by an act passed in the 14th year of the reign of his present majesty, continued and made perpetual; and whereas, by an act passed in the 25th year of the reign of his present majesty, intituled, 'An act to limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament for places within England and Wales, and for Berwick upon Tweed, and also for removing difficulties

10 G. 3. c. 16.

11 G. 3. c. 42.

and 25 G. 3. c. 84. recited.

which may arise for want of returns being made of members to serve in parliament, the provisions of the said acts were extended, in the manner therein mentioned, to petitions complaining that *no return has been made to a writ*, issued for the election of a member or members to serve in parliament, within the times limited in the said act, or *that such return is not a return of a member or members according to the requisition of the writ*; and whereas it is expedient that further regulations should be made for the execution of the said several acts, and that provision should be made for discouraging persons from presenting frivolous or vexatious petitions, or setting up frivolous or vexatious defences, in any of the cases to which the above-recited acts relate, and that provision should also be made for the final decision of questions respecting the rights of voting at such elections, or of nominating or appointing the returning officer or returning officers, who are to preside thereat: be it therefore enacted, &c. That no petition complaining of an undue election or return, or of the omission of a return, or of the insufficiency of a return, shall be proceeded upon, in the manner prescribed in the said above recited acts, unless the same shall be subscribed by some person or persons claiming therein to have had a right to vote at the election to which the same shall relate, or to have had a right to be returned as duly elected thereat, or alledging himself or themselves to have been a candidate or candidates at such election: provided always, That in any case where a writ has been issued for the election of a member to serve in parliament for any district of burghs in that part of Great Britain called Scotland, any such petition as aforesaid shall and may be so proceeded upon, if the same shall be subscribed by any person or persons claiming therein to have had a right to vote at the election of any delegate or delegates, commissioner or commissioners, for choosing a burgh for such district.

2. AND be it further enacted, That if, at any time before the day appointed for taking any such petition into consideration, the speaker of the house of commons shall be informed, by a certificate in writing, subscribed by two of the members of the said house, of the death of the sitting member or sitting members, or either of them, whose election or return is complained of in such petition, or of the death of any member or members returned upon a double return, whose election or return is complained of in such petition, or that a writ of summons has been issued, under the great seal of Great Britain, to summon any such member or members to parliament as a peer of Great Britain; or if the house of commons shall have resolved that the seat of any such member is by law become vacant; or if the said house shall be informed, by a declaration in writing, subscribed by such member or members, or either of them, as the case shall be, and delivered in at the table of the house, that it is not the intention of such member or members to defend his or their election or return; in every such case notice thereof shall immediately be sent by the speaker to the

No petition complaining of an undue election or return to be proceeded upon, unless subscribed as herein-mentioned.

In the cases herein specified, notice to be sent by the speaker to the returning officer of the place to which any such petition relates,

sheriff, or other returning officer for the county, borough, or place to which such petition shall relate, and such sheriff or other returning officer shall cause a true copy of the same to be affixed on the doors of the county hall or town hall, or of the parish church nearest to the place where such election has usually been held, and such notice shall also be inserted, by order of the speaker, in the next London Gazette; and the order for taking such petition into consideration shall, if necessary, be adjourned, so that at the least thirty days may intervene between the day on which such notice shall be inserted in the said Gazette, and the day on which such petition shall be taken into consideration

A copy thereof to be affixed on the doors of the county or town hall, or nearest church and inserted in the Gazette.

Order for taking such petitions into consideration may be adjourned.

3. AND be it enacted, That it shall and may be lawful at any time within thirty days after the day on which such notice shall have been inserted in the said Gazette, for any person or persons claiming to have had a right to vote at such election, or at the election of delegates or commissioners for making such election, to petition the house, praying to be admitted as a party or parties, in the room of such member or members, or either of them; and such person or persons shall thereupon be so admitted as a party or parties, and shall be considered as such, to all intents and purposes whatever.

Within 30 days after notice is so inserted in the Gazette, any voter may petition to be admitted a party in the complaint.

4. AND be it enacted, That whenever the member or members, whose election or return is so complained of in such petition, shall have given such notice as aforesaid of his or their intention not to defend the same, he or they shall not be admitted to appear or act as a party or parties against such petition, in any subsequent proceedings thereupon, any thing in the above recited acts to the contrary notwithstanding: and he or they shall also be restrained from sitting in the house, or voting in any question, until such petition shall have been decided upon in the manner prescribed by the above recited acts and by this act.

Members giving notice of their intention not to defend their election, not to be admitted as parties against any such petition, &c.

5. AND be it further enacted, That no proceeding shall be had upon any petition, by virtue of the above recited acts or of this act, unless the person or persons subscribing the same, or some one or more of them, shall, within fourteen days after the same shall have been presented to the house, or within such further time as shall be limited by the house, personally enter into a recognizance to our sovereign lord the king, according to the form hereunto annexed, in the sum of two hundred pounds, with two sufficient sureties, in the sum of one hundred pounds each, to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration, and also to appear before any select committee which shall be appointed by the house for the trial of the same, and to renew the same in every subsequent session of parliament, until a select committee shall have been appointed by the house for the trial of the same, or until the same shall have been withdrawn by the permission of the house; and if, at the expiration of the said fourteen days, such recognizance shall not have been so entered into, or shall not have been received by the speaker of the house of commons, the speaker shall

No proceedings to be had upon any petition, unless one of the subscribers enter into a recognizance to appear before the house at the time fixed for taking it into consideration: and if no recognizance be duly entered into, the order for taking the petition into consideration to be discharged, unless cause shall be seen for enlarging the time, &c.

report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless, upon matter specially stated and verified to the satisfaction of the house, the house shall see cause to enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration shall, if necessary, be postponed, so that no such petition shall be so taken into consideration till after such recognizance shall have been entered into and received by the speaker: provided always, That the time for entering into such recognizance shall not be enlarged more than once, nor for any number of days exceeding thirty.

Recognizances to be entered into before the speaker, and the sufficiency of the sureties to be allowed of by him, on the report of the persons herein mentioned.

6. AND be it enacted, That the said recognizances shall be entered into before the speaker of the house of commons, who is hereby authorized and empowered to take the same; and the sufficiency of the sureties named therein shall be judged of and allowed by the said speaker, on the report of two persons appointed by him to examine the same, of which two persons the clerk, or clerk assistant of the house, shall always be one, and one of the following officers, not being a member of the said house, shall be the other; (that is to say) masters of the high court of chancery, clerks in the court of king's bench, prothonotaries in the court of common pleas, and clerks in the court of exchequer; and the said persons so appointed are hereby authorized and required to examine the same, and to report their judgment thereupon; and are also hereby authorized to demand and receive such fees, for such examination and report, as shall be, from time to time, fixed by any resolution of the house of commons.

Sureties living more than 40 miles from London may enter recognizance before a justice.

7. PROVIDED always, and be it further enacted, That in case where the party or parties, who are to enter into such recognizance, or his or their sureties, or either of them, shall reside at a greater distance from London, than forty miles, it shall and may be lawful for such party or parties, surety or sureties, respectively, to enter into such recognizance before any of his majesty's justices of the peace; and his majesty's justices of the peace, or any of them, is and are hereby authorized and empowered to take the same; and such recognizance, being duly certified under the hand of such justice, and being transmitted to the speaker of the house of commons, shall have the same force and effect as if the same had been entered into before the said speaker: Provided also, that it shall and may be lawful for the persons to whom it is referred by the speaker to examine the sufficiency of such surety or sureties, to receive as evidence, in their said examination, any affidavits relating thereto, which shall be sworn before any master of the high court of chancery, or before any of his majesty's justices of the peace; and such master of the high court of chancery, or justice of the peace, respectively, is hereby authorized to administer such oath, and is authorized and required to certify such affidavit under his hand.

Affidavits made before a master in chancery, or a justice, to be received as evidence of the sufficiency of sureties.

8. AND be it enacted, That the house shall not permit any such petition to be withdrawn, except so far as the

same may relate to the election or return of any member or members who shall, since the same shall have been presented, have vacated his or their seat by death, or in any other manner.

No petition to be withdrawn unless the member's seat shall have been vacated.

9. AND be it enacted, That if the petitioner or petitioners, who shall have entered into such recognizance as aforesaid, shall not appear before the house by himself or themselves, or by his or their counsel or agents, within one hour after the time fixed, in pursuance of the above recited acts, and of this act, for calling in the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a select committee; or if the select committee, appointed in pursuance of the said acts, and of this act, for the trial of such petition, shall inform the house that such person or persons did not appear before the said committee, by himself or themselves, or by his or their counsel or agents, to prosecute their said petition: *or if such person or persons shall neglect to renew their said petition within four sitting days after the day of the commencement of every session of the same parliament, subsequent to that in which such petition was first presented*, and until a select committee shall have been appointed for trial of the same, or until the same shall have been withdrawn by the permission of the house, in every such case such person or persons shall be held to have made default in his or their said recognizance; and the speaker of the house of commons shall thereupon certify such recognizance into the court of exchequer, and shall also certify that such person or persons have made default therein, and such certificate shall be conclusive evidence of such default, and the recognizance being so certified shall have the same effect as if the same were estreated from a court of law: provided always, That such recognizance and certificate shall in every such case be delivered, by the clerk or clerk assistant of the house of commons, into the hands of the lord chief baron of the exchequer, or of one of the barons of the exchequer, or of such officer of the court of exchequer as shall be appointed by the said court to receive the same.

Recognizances of petitioners not appearing before the house at the time fixed for proceeding to the appointment of a select committee, &c. to be certified into the exchequer.

Recognizance and certificate to be delivered by the clerk assistant, into the exchequer.

10. AND whereas, by several provisions contained in the above recited acts, made in the 10th and 11th years of the reign of his present majesty, *Sunday and Christmas-day* are excepted from the general regulations of the said acts: be it hereby enacted, That in every such case, *Good Friday* shall also be excepted therefrom, in the same manner as if he same had been specially excepted in the said acts.

Good Friday to be excepted from the regulations of the recited acts.

11. AND be it also enacted, That if, on the day immediately preceding any of the three following days that is to say, *Christmas-day, Whit-Sunday, or Good-Friday*, after reading the order of the day for taking any such petition as aforesaid into consideration, it shall be found that there are not one hundred members present, or that the number of forty-nine members, not set aside or excused, cannot be completed, it shall and may be lawful for the house, if they shall think fit, any thing in the above recited acts to the contrary notwithstanding, to direct that the said

If on the day preceding *Christmas-day*, &c. there shall not be 100 members present, or 49 not excused cannot be completed, the order for taking any such pe-

petition into consideration, and the house may be adjourned for any number of days.

On days appointed for taking petitions into consideration, reports from select committees, &c. may be received previous to reading the order of the day.

If petitioners do not appear within an hour after the time fixed for appointing select committees, the order for taking such petitions into consideration to be discharged.

Regulations for trial of the merits of petitions, where no party appears to oppose them.

order shall be adjourned for any number of days, and the house shall then immediately be adjourned to the hour and day to which such order shall be so adjourned.

12. AND whereas it is enacted, by the said act passed in the 11th year of the reign of his present majesty, that on the day appointed for taking such petition into consideration, the house shall not proceed to any other business whatsoever, except the swearing of members, previous to the reading of the order of the day for that purpose; be it hereby enacted, That it shall and may be lawful for the house, previous to reading such order, to receive any report from any select committee appointed in pursuance of the above-recited acts, or of this act, and to enter the same upon their journals, and to give the necessary orders and directions, thereupon; and that previous to reading the said order, the clerk of the crown may be admitted to alter or amend any return, in pursuance of an order made on a preceding day, or on that day; and also that it shall and may be lawful for the house, previous to reading the said order, to postpone the same, for the purpose of attending his majesty, or his majesty's commissioners, in the house of lords, in consequence of any message from his majesty, or from his majesty's commissioners, signified to the house in the usual manner.

13. AND be it also enacted, That if, within one hour after the time fixed in pursuance of the above-recited acts, and of this act, for calling in the respective parties, their counsel or agents, for the purpose of proceeding to the appointment of a select committee, the petitioner or petitioners, or some one or more of them who shall have signed any such petition, shall not appear by himself or themselves, or by his or their counsel or agents, the order for taking such petition into consideration shall thereupon be discharged, and such petition shall not be any further proceeded upon in the manner directed in the above-recited acts, and in this act.

14. AND be it enacted, That if, within one hour after the time so appointed as aforesaid, the sitting member or sitting members, or other party or parties opposing the petition, shall not appear by himself or themselves, or by his or their counsel or agents, or if, at the time so appointed as aforesaid, there shall be no party before the house opposing the petition, the house shall proceed to appoint a select committee, to try the merits of such petition, in the following manner; (that is to say), That the names of forty-nine members shall be drawn, in the manner prescribed in the above recited acts, but in reducing the list of such names to thirteen, the place of a party opposing the petition shall be supplied by the clerk appointed to attend the said committee, who shall, as often as it shall come to his turn as supplying the place of the party opposing the petition to strike out a name, strike out that name which then shall be first in the said list; and in every case where the party opposing the petition would be impowered, by the above-recited acts, to nominate one member to be added to the said thirteen, the said thirteen shall from among the persons present in

the house at the time of drawing the names of the members, choose one person to supply the place of the member to have been so nominated, in the same manner as is directed by the above-recited act made in the 11th year of his majesty's reign, in the case where there are more than two parties on distinct interest.

15. AND be it further enacted, That the same method of reducing the list of members drawn to thirteen, and of nominating a member to be added to the thirteen remaining on the said list, shall be respectively followed, whenever any party shall wave his right of striking off names from the said list, or of nominating a member to be added to the said thirteen.

The afore-going method of reducing the list to 13 members, &c. to be followed when any party shall wave his right to do it.

16. AND be it further enacted, That if any person summoned to attend the said select committee, by the warrant of the speaker of the said house or by order of the said committee, shall disobey such summons, or shall give false evidence, or prevaricate, or otherwise misbehave in giving, or in refusing to give, evidence before the said committee, the said committee shall have power, by a warrant to be signed by the chairman, and directed to the serjeant at arms attending the house of commons, or to his deputy or deputies, to commit such person (not being a peer of the realm or a lord of parliament) to the custody of the said serjeant, without bail or mainprize, for any time not exceeding twenty-four hours if the house shall then be sitting, or if not, then for a time not exceeding twenty-four hours after the hour to which the house shall then be adjourned.

Witnesses not attending the select committee, or giving false evidence, &c. to be committed.

17. AND whereas it is enacted by the said act made in the 10th year of his majesty's reign, That if more than two members of the said select committee shall, on any account, be absent therefrom, the said select committee shall adjourn in the manner in the said act directed, and so from time to time, until thirteen members are assembled; and that no such determination as in the said act is mentioned shall be made, nor any question be proposed, unless thirteen members shall be present; and that no member shall have a vote on such determination, or any other question or resolution, who has not attended during every sitting of the said select committee; and that, in case the number of members able to attend the said committee shall, by death or otherwise, be unavoidably reduced to less than thirteen, and shall so continue for the space of three sitting days, the said committee shall be dissolved, and another chosen to try and determine the matter of such petition, in the manner in the said act before provided. Be it hereby enacted, That whenever any committee shall have sat for business fourteen days, not including those days on which they shall have adjourned on account of the absence of any member, nor including Sunday, Christmas day, or Good Friday it shall and may be lawful for them to proceed to business, if a number of members not less than twelve be present; and in such case, the committee shall not be dissolved by reason of the absence of the members, unless the number of members able

If a committee shall have sat for business 14 days, 12 members may proceed therein;

If 25 days, &
11 members
may proceed

to attend the same shall, by death or otherwise, be unavoidably reduced to less than twelve, and shall so continue for the space of three sitting days; and whenever any committee shall in like manner have sat for business twenty-five days, it shall and may be lawful for them to proceed to business, if a number of members not less than eleven be present; and in such case, the committee shall not be dissolved by reason of the absence of the members, unless the number of members able to attend the same shall, by death or otherwise, be unavoidably reduced to less than eleven, and shall so continue for the space of three sitting days.

Committees in
their reports
to mention
whether peti-
tions, &c. ap-
pear to be friv-
olous or vex-
atious.

18. AND be it further enacted, That every such committee, at the same time they report to the house their final determination on the merits of the petition which they were sworn to try, shall also report to the house whether such petition did, or did not, appear to them to be frivolous or vexatious; and that shall in like manner report, with respect to every party or parties who shall have appeared before them in opposition to such petition, whether the opposition of such party or parties respectively did, or did not, appear to them to be frivolous or vexatious; and that if no party shall have appeared before them in opposition to such petition, they shall then report to the house whether such election or return, or such alledged omission of a return, or such alledged insufficiency of a return, as shall be complained of in such petition, according as the case shall be, did, or did not appear to them to be vexatious or corrupt.

Parties oppos-
ing petitions
reported vex-
atious or frivo-
lous.

19. AND be it enacted, That whenever any such committee shall report to the house, with respect to any such petition, that the same appeared to them to be frivolous or vexatious, the party or parties, if any who shall have appeared before the committee in opposition to such petition, shall be entitled to recover, from the person or persons, or any of them, who shall have signed such petition, the full costs and expences which such party or parties shall have incurred in opposing the same: such costs and expences to be ascertained in the manner herein-after directed.

And petition-
ers reported
to have been
vexatiously or
frivolously
opposed to be
entitled to
costs and ex-
pences.

20. AND be it also enacted, That whenever any such committee shall report to the house, with respect to the opposition made to such petition by any party or parties who shall have appeared before them, that such opposition appeared to be frivolous or vexatious, the person or persons who shall have signed such petition shall be entitled to recover from such party or parties or any of them, with respect to whom such report shall be made, the full costs and expences which such petitioner or petitioners shall respectively have incurred in prosecuting their said petition; such costs and expences to be ascertained in the manner herein-after directed.

Where no
party appears
in opposition
to any such
petition, the

21. AND be it also enacted, That whenever, in any case where no party shall have appeared before such committee in opposition to such petition, such committee shall report to the house, with respect to the election or return, or to

the alledged omission of a return; or to the alledged insufficiency of a return, complained of in any such petition, that the same appeared to them to be vexatious or corrupt, the person or persons who shall have signed such petition shall be entitled to recover from the sitting member or sitting members (if any) whose election or return shall be complained of in such petition, such sitting member or sitting members not having given notice as aforesaid of his or their intention not to defend the same, or from any other person or persons whom the house shall have admitted or directed to be made a party or parties to oppose such petition, the full costs and expences which such petitioner or petitioners shall have incurred in prosecuting their said petition: such costs and expences to be ascertained in the manner herein-after directed.

costs and expences to be paid by the sitting members, &c.

22. AND be it enacted, That in the several cases herein-before mentioned, the costs and expences of prosecuting or opposing any such petition shall be ascertained in manner following; (that is to say), That on application made to the speaker of the house of commons, by any such petitioner or petitioners or party or parties, as before-mentioned, for ascertaining such costs and expences, he shall direct the same to be taxed by two persons, of whom the clerk or clerk assistant of the house shall always be one, of the following officers, not being a member of the house shall be the other; (that is to say), masters in the high court of chancery, clerks in the court of king's bench, prothonotaries in the court of common pleas, and clerks in the court of exchequer; and the person so authorized and directed to tax such costs and expences shall, and they are hereby required to examine the same, and to report the amount thereof to the speaker of the said house, who shall, on application made to him, deliver to the party or parties a certificate, signed by himself, expressing the amount of the costs and expences allowed in such report; and the persons so appointed to tax such costs, and report the amount thereof are hereby authorized to demand and receive, for such taxation and report, such fees as shall be, from time to time, fixed by any resolution of the house.

How such costs and expences are to be ascertained.

23. AND be it enacted, That it shall and may be lawful for the party or parties entitled to such costs and expences, or for his, her, or their executors or administrators, to demand the whole amount thereof, so certified as above, from any one or more of the persons respectively, who are herein-before made liable to the payment thereof, in the several cases herein-before mentioned: and in case of non-payment thereof, to recover the same by action of debt, in any of his majesty's courts of record at Westminster; in which action it shall be sufficient for the plaintiff or plaintiffs to declare that the defendant or defendants is or are indebted to him or them (in the sum to which the costs and expences, ascertained in manner aforesaid, shall amount) by virtue of this act; and the certificate of the speaker of the house of commons under his signature, of the amount of such costs and expences, together with an

If costs, &c., be not paid on demand, they may be recovered by action of debt, &c.

examined copy of the entries in the journals of the house of commons, of the resolution or resolutions of the said select committee or committees, shall be deemed full and sufficient evidence in support of such action of debt, Provided always, That in every such action of debt, no wager of law, or more than one imparlance shall be allowed; and the party or parties in whose favour judgment shall be given in any such action, shall recover his or their costs.

Judgment in such actions to entitle the party to costs.

Persons paying costs may recover a proportion thereof from any other persons liable thereto.

21. AND be it further enacted, That in every case where the amount of such costs and expences shall have been so recovered from any person or persons, it shall and may be lawful for such person or persons to recover in like manner from the other persons, or any of them, if such there shall be, who shall be liable to the payment of the said costs and expences, a proportionable share thereof, according to the number of persons so liable.

When the merits of petitions depend on questions respecting the right of election, &c. statements of such right to be delivered in writing; and the committee to report, with their determination on the merits of the petition, their judgment on such statements.

25. AND be it further enacted, That whenever any such select committee, appointed to try the merits of any such petition as aforesaid, shall be of opinion that the merits of such petition do wholly or in part depend on any question or questions which shall be before them respecting the right of election for the county, city, borough, district of burghs, or other place to which such petition shall relate, or respecting the right of chusing, nominating, or appointing the returning officer or returning officers, who is or are to make return of such election, the said committee, in such case, shall require the counsel or agents for the several parties, or if there shall be none such before them, shall then require the parties themselves to deliver to the clerk of the said committee, statements in writing of the right of election, or of chusing, nominating, or appointing returning officers, for which they respectively contend; and the committee shall come to distinct resolutions on such statements, and shall, at the same time that they report to the house their final determination on the merits of such petition, also report to the house such statement or statements, together with their judgment with respect thereto; and such report shall thereupon be entered in the journals of the house, and notice thereof shall be sent by the speaker to the sheriff or other returning officer of the place to which the same shall relate; and a true copy of such notice shall, by such sheriff or other returning officer, be forthwith affixed to the doors of the county hall, or town hall, or of the parish church nearest to the place where such election has usually been held; and such notice shall also be inserted, by order of the speaker, in the next London Gazette.

Report to be entered in the journals, and notice thereof sent to the returning officer, &c.

Persons may, within twelve months after such report, petition to be admitted to oppose the right of election, &c. thereby established.

26. AND be it enacted, That it shall and may be lawful for any person or persons, at any time within twelve calendar months after the day on which such report shall have been made to the house, or within fourteen days after the day of the commencement of the next session of parliament after that in which such report shall have been made to the house, to petition the house to be admitted as a party or parties to oppose that right of election, or of

chusing, nominating, or appointing the returning officer or returning officers, who is or are to make return of such election, which shall have been deemed valid in the judgment of such committee.

27. AND be it enacted, That if no such petition shall be so presented within the time above limited for presenting the same, the said judgment of such committee, on such question or questions, shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatsoever; any usage to the contrary notwithstanding.

But if no such petition shall be presented, the judgment of the committee to be conclusive.

28. AND be it enacted, That whenever any such petition shall be so presented, a day and hour shall be appointed by the house for taking the same into consideration; so that the space of forty days at the least shall always intervene between the day of presenting such petition and the day appointed by the house for taking the same into consideration; and notice of such day and hour shall be inserted, by order of the speaker, in the next London Gazette, and shall also be sent by him to the sheriff or other returning officer for the place to which such petition shall relate; and a true copy of such notice shall, by the said sheriff or other returning officer, be forthwith affixed to the doors of the county hall, or town hall, or of the parish church nearest to the place where such election has usually been held.

Forty days to intervene between the presenting and hearing such petitions, &c. see, as to renewed petitions, 34 G. 3. c. 83.

29. AND be it enacted, That it shall and may be lawful for any person or persons, at any time before the day so appointed for taking such petition into consideration, to petition the house to be admitted as a party or parties to defend such right of election, or of chusing, nominating, or appointing the returning officer or returning officers; and such person or persons shall thereupon be so admitted, and shall be considered as such to all intents and purposes whatever.

Before the hearing such petitions, any person may petition to be admitted to defend such right of election, &c.

30. AND be it enacted, That at the hour appointed by the house for taking such petition into consideration, the house shall proceed to appoint a select committee to try the merits thereof, according to the directions of the above-recited acts, and of this act; and such select committee shall be sworn to try and determine the merits of such petition, so far as the same relate to any question or questions respecting the right of election for the place to which the petition shall relate, or respecting the right of appointing, nominating, or chusing, the returning officer or returning officers who are to make return of such election; and the determination of such committee on such question or questions, shall be entered in the journals of the house, and shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatever, any usage to the contrary notwithstanding.

Committee to be appointed to try the merits of such petitions, whose determinations shall be conclusive.

31. AND whereas it is amongst other things enacted, by

2 Geo. 2. c. 24,
in part recited ;

And repealed
in as far as it
may relate to
any determination
subsequent to
passing this act.

Rules, &c. of
recited acts to
be in force
with respect
to committees
appointed under
this act.

Regulations
touching recognizances
and payment
of costs not to
apply to petitions
relating solely to
questions respecting
right of election.

Committees
not to be dissolved
by the prorogation of
parliament.

an act passed in the 2d year of the reign of his late majesty, king George the Second, intituled, An act for the more effectual preventing bribery and corruption in the elections of members to serve in parliament, that such votes shall be deemed to be legal which have been so declared by the last determination in the house of commons; which last determination concerning any county, shire, city, borough, cinque port, or place, shall be final to all intents and purposes whatever, any usage to the contrary notwithstanding : Be it enacted, That so much of the said act as is above recited shall be, and the same is hereby repealed, in so far only as the same relates, or might be construed to relate, to any such determination to be made in the house of commons subsequent to the passing of this act.

32. AND be it enacted, That all and every the rules, regulations, authorities, or powers, prescribed and given by the above-recited acts, or by this act, to select committees for the trial of controverted elections or returns shall be in full force and effect with respect to select committees appointed by virtue of this act for the trial of such question or questions of right as aforesaid, in as full and ample a manner as if the same were herein repeated, and particularly and specially enacted, concerning such select committees : Provided always, That the several rules and regulations herein-before enacted, by which certain persons are directed to enter recognizances, and by which certain persons are made liable to the payment of costs, in the particular manner, and in the several cases herein-before specified, shall not be construed to apply to the case of any petition presented in pursuance of this act, and relating solely to any question or questions respecting the right of election, or of chusing, nominating, or appointing a returning officer or returning officers.

33. AND be it further enacted, That whenever it shall happen that parliament shall be prorogued while any select committee shall be sitting for the trial of any such petition as aforesaid, and before they shall have reported to the house their determination thereon, such committee shall not be dissolved by such prorogation ; but shall be thereby adjourned to twelve of the clock on the day immediately following that on which parliament shall meet again for the dispatch of business, (*Sundays, Good-Friday and Christmas-day*, always excepted,) and all former proceedings of the said committee shall remain and continue to be of the same force and effect as if parliament had not been so prorogued ; and such committee shall meet on the day and hour to which it shall be so adjourned, and shall thenceforward continue to sit from day to day, in the manner provided in the above recited acts, and in this act, until they shall have reported to the house their determination on the merits of such petition.

Form of the Recognizance referred to in this Act.

“ Be it remembered, That on the
 day of _____ in the year of our Lord
 before me A. B.
 [speaker of the house of commons] or [one of his majesty's
 justices of the peace for the county of _____] came
 C. D. E. F. and J. G. and severally acknowledged them-
 selves to owe to our sovereign lord the king the following
 sums; that is to say, the said C. D. the sum of two hun-
 dred pounds, and the said E. F. and the said J. G. the
 sum of one hundred pounds each, to be levied on their
 respective goods and chattels, lands, and tenements, to the
 use of our said sovereign lord the king, his heirs and suc-
 cessors, in case the said C. D. shall fail in performing the
 condition hereunto annexed.

The condition of this recognizance is, that if the said
 C. D. shall duly appear before the house of commons,
 at such time or times as shall be fixed by the said
 house for taking into consideration the petition signed
 by the said C. D. complaining of an undue election
 or return for the _____ of _____ [Here
 specify the county, city, borough, or district of burghs]
 or, complaining that no return has been made for the
 said [] of [] within the time limited by act
 of parliament, or, that the return made for the said
 [] of [] is not a return of a
 member or members according to the requisition of the
 writ, and shall appear before any select committee which
 shall be appointed by the house of commons for the trial
 of the same, and shall renew his said petition in every
 subsequent session of this present parliament, until a select
 committee shall have been appointed by the said house for
 the trial of the same, or until the same shall have been
 withdrawn by the permission of the said house; then this
 recognizance to be void, otherwise to be of full force and
 effect.

ANNO 30^o GEORGII III. CAP. 35.

*An Act to explain and amend an Act passed in the 20th Year
 of the Reign of his present Majesty, touching the Election
 for Knights of the Shire to serve in Parliament for that
 Part of Great Britain called England.*

A. D. 1790.

WHEREAS an act was passed in the 20th year of the reign ^{20 Geo. 3. c.}
 of his present majesty intituled, ‘ An act to remove cer-
 tain difficulties relative to voters at county elections,’
 whereby it is, among other things, enacted, That from and
 after the 1st day of January, 1781, no person shall vote for
 electing of any knight or knights of the shire to serve in
 parliament, within that part of Great Britain called Eng-
 land, or the principality of Wales, in respect of any mes-
 z 2

suages, lands, or tenements, which have not, for six kalendar months next before such election, been charged or assessed towards some aid granted, or to be granted to his majesty, his heirs or successors, by a land tax, (in case any such aid be then granted and assessable), in the name of the person or persons who shall claim to vote at such election for or in respect of any such messuages, lands, or tenements, or in the name of his or their tenant or tenants, actually occupying the same as tenant or tenants of the owner or landlord thereof :

AND whereas the form of assessment prescribed by the said act, and thereunto annexed, denotes that the names, both of the proprietor and of the occupier, ought to be specified ; and doubts have arisen, whether, if such form be not strictly pursued, the suffrage of the person claiming to vote be admissible :

92 Geo. 3. c.
31. recited.

AND whereas an act was passed in the 22d year of his present majesty's reign, intituled, ' An act for the preventing of bribery and corruption in the election of members to serve in parliament for the borough of *Cricklade*, in the county of *Wilts*, ' whereby it is enacted, That such freeholders only shall be entitled to vote in the election of members to serve in parliament for the said borough of *Cricklade*, as shall be duly qualified to vote at elections for knights of the shire for the county of *Wilts*, according to the laws in force for regulating county elections at the time of passing the same act.

Persons may
vote, although
tenant's name
is not in the
assessment.

BE it therefore enacted, &c. That nothing in the said acts contained shall extend or be construed to extend, to prevent any person from voting at any election of a knight or knights of a shire to serve in parliament within that part of Great Britain called England, or the principality of Wales, or at any election of a Burgess or burgesses to serve in parliament for the borough of *Cricklade*, in the county of *Wilts*, for or in respect of any messuages, lands, or tenements, which have been charged or assessed for six kalendar months next before such election, towards some aid granted, or to be granted to his majesty, his heirs or successors, by a land tax, in the name of the person claiming to vote, or for or in respect of any messuages, lands, or tenements, to which the person so claiming to vote shall have become entitled by descent, marriage, marriage settlement, devise, promotion to any benefice in a church, or promotion to any office, within twelve kalendar months next before such election, and which messuages, lands, or tenements, shall have been within two years next before such election charged or assessed to the land tax, in the name of the person or persons by or through whom such person so claiming to vote shall derive his title to such messuages, lands, or tenements, or of some predecessor of such person so claiming to vote, *although the name of the tenant or tenants actually occupying such messuages, lands, or tenements, shall not be inserted in such assessment*, according to the form of assessment to the said first recited act annexed.

Six months.

2. AND be it further enacted by the authority aforesaid, That nothing in the said acts contained shall extend, or be construed to extend, to prevent any person from voting at any such election of a knight or knights of a shire, or of any burghess or burgesses for the said borough of *Cricklade*, for or in respect of any messuages, lands or tenements, which have been charged or assessed, for six kalendar months next before such election, towards some aid granted, or to be granted to his majesty, his heirs, or successors, by a land tax, *in the name of a tenant* or tenants actually occupying the same at the time of such assessment being made, *although the name of the person so claiming to vote*, or the person or persons by or through whom such person so claiming to vote derives his title, or of the predecessor of the person so claiming to vote, shall not be inserted in the assessment, according to the form of the assessment to the said first recited act annexed.

Or although his own name is not in the assessment.

ANNO 32^o GEORGII III. CAP. 1.

An Act to extend the Provisions of certain Acts of Parliament made to regulate the Trials of Controverted Elections, or Returns of Members to serve in Parliament.

A. D. 1792.

WHEREAS by an act, passed in the eleventh year of the reign of his present majesty, intituled, An act to explain and amend an act, made in the last session of parliament, intituled, An act to regulate the trials of controverted elections, or returns of members to serve in parliament; it is enacted, That on the day appointed by the house of commons for taking into consideration any petition complaining of an undue election, or return of any member to serve in parliament, the house shall not proceed to any other business whatsoever, except the swearing of members, previous to the reading the order of the day for that purpose: And whereas by an act, passed in the twenty-eighth year of the reign of his present majesty, intituled, An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament, it is enacted, &c. That it shall and may be lawful for the house, previous to the reading such order, to proceed to such other business as in the said act is particularly specified: and whereas it is of importance, that the like power should be extended to the several cases hereinafter mentioned, be it enacted, That on the day appointed by the house for taking into consideration any petition complaining of an undue election, or return of any member to serve in parliament, or the petition of any person or persons desiring to oppose any right of election, or the right of chusing, nominating, or appointing any returning officer or returning officers, which shall have been deemed valid by the determination of any select committee, it shall and may be lawful for the house, previous to the reading the order or orders for taking any such petition or petitions into consideration, to receive any

11 Geo. 3. c. 42.

and 28 Geo. 3. c. 52, recited.

On days appointed by the commons for taking petitions into consideration, messages from the lords may be received previous to reading the order of the day; and on days appointed for trial of

articles of impeachment, business necessary for carrying on the prosecution may in like manner be proceeded upon.

message or messages from the lords; and also that it shall and may be lawful for the house, on the days appointed for the trial of any articles of impeachment exhibited, or to be exhibited by the commons before the lords in parliament, previous to the reading any such order or orders as aforesaid, to proceed to any business that may be necessary for the purpose of carrying on the prosecution of such impeachment.

ANNO 33^o GEORGII III. CAP. 64.

An Act to explain and amend an Act passed in the Seventh and Eighth Years of King William the Third, intituled, An Act for the further regulating Elections of Members to serve in Parliament, and for the preventing irregular Proceedings of Sheriffs and other Officers in the electing and returning such Members, so far as relates to the Publication of Notices of the Time and Place of Election.

17th June, 1793.

7 and 8 Gul.
3. cap. 25. § 1.

WHEREAS by an act, made and passed in the seventh and eighth years of the late king William the Third, (intituled An act for the further regulating elections of members to serve in parliament, and for the preventing irregular proceedings of sheriffs and other officers in the electing and returning such members), it is enacted, That the proper officers therein mentioned shall, upon the receipt of precepts for the election of members to serve in parliament, forthwith cause public notice to be given of the time and place of election, and shall proceed to election thereupon, within the time by the said act limited, and give four days notice at least of the day appointed for the election: but it is not in the said act specified at what time or within what hours of the day it shall be incumbent on the proper officer to give such public notice as aforesaid: and whereas, by reason of such uncertainty, great inconveniences may arise from the undue practices of returning officers and others: may it please your majesty that it may be enacted; and be it enacted, &c. That, from and after the passing of this act, all notices to be given of the time and place of any election for members to serve in parliament, shall be publicly given at the usual place or places, within the hours of eight of the clock in the forenoon and four of the clock in the afternoon, from the twenty-fifth day of October, to the twenty-fifth day of March inclusive, and within the hours of eight of the clock in the forenoon and six of the clock in the afternoon, from the twenty-fifth day of March to the twenty-fifth day of October inclusive, and not otherwise; and that no notice to be given of the time and place of elections of members to serve in parliament shall be deemed or taken to be a good or valid notice for any purposes, or to any effect whatsoever, which shall not be made and published in the manner, and within the time of day aforesaid; any law, statute, usage, or custom to the contrary notwithstanding.

Notices of the time and place of elections for members of parliament to be given within certain hours.

ANNO 34^o GEORGII III. Cap. 73.

An Act for directing the Appointment of Commissioners, to administer certain Oaths and Declarations required by Law to be taken and made by Persons offering to vote at the Election of Members to serve in Parliament. A. D. 1794.

WHEREAS great delays have arisen in the election of members to serve in parliament for places in England, Wales, and the town of Berwick upon Tweed, by the time and place in which the oaths of allegiance, supremacy, the declaration of fidelity, the oath of abjuration, and the declaration or affirmation of the effect thereof, are usually administered to electors; and in many places it might thereby be rendered impracticable to receive the votes of all persons claiming and having a right to vote within the time limited by law for the duration of the polls at such elections: be it enacted, &c. That, from and after the passing of this act, when a poll shall be demanded at any election of a member or members to serve in parliament for any county, city, borough, or other place in England or Wales, or for the town of Berwick upon Tweed, the returning officer or officers at every such election, after such poll shall be demanded, shall, at the instance and request *in writing*, of any of the candidates, under his or their hand or hands, immediately after such request, and before he or they shall proceed further in taking the poll, retain, nominate, and appoint, two or more persons to administer the oaths of allegiance, supremacy, the declaration of fidelity, the oath of abjuration, and the declaration or affirmation of the effect thereof, now required by law to be taken, made, or subscribed by voters at elections of members to serve in parliament, and to certify the names of the respective electors who shall take such oaths, or subscribe and make such declarations or affirmations respectively, in manner herein-after mentioned; and the persons to be appointed as aforesaid, or in manner herein-after mentioned, shall respectively have full power, and each of them is hereby authorized and required to administer all and every such respective oaths, declarations, and affirmations to every such elector who shall desire or be required to take the same oaths, or any of them, or to subscribe or make the said declarations and affirmations respectively, previous to his voting at any such election: and every such person so appointed as aforesaid shall, immediately after such appointment, and before he shall take upon him to act under such appointment, take the following oath; (that is to say),

Returning officers, on request of candidates, to appoint persons to administer the oaths of allegiance, &c.

Persons so appointed to take the following

I do swear, that I will faithfully and impartially administer the oaths of allegiance, supremacy, and abjuration, and the declaration of fidelity, and declaration or affirmation of the effect of the said oath of abjuration, to such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election; and that I will, on being thereunto requested, fairly and truly

Oath.

give to every such person, or any of them, who shall take such oaths, or subscribe such declaration of fidelity, and make such declaration or affirmation of the effect of the said oath of abjuration, or either of them, before me, a certificate thereof, according to the direction of an act of parliament, made in the thirty-fourth year of the reign of his majesty king George the Third, intituled, [*here set forth the title of the act*] and that I will not give such certificate to any person before he shall have taken such oath or oaths, or made or subscribed such declaration or declarations, affirmation or affirmations, as shall be mentioned in such certificate, before me, and in my presence.'

Which oath, to be taken by the respective persons so to be appointed, the returning officer or officers at every such election, and his or their deputy and deputies, or any of them, is, and are hereby authorized and required to administer.

Electors to apply to such persons before voting, who shall administer the oaths of allegiance, &c. and give certificates thereof.

2. AND be it further enacted by the authority aforesaid, That after the persons so appointed shall have taken such oath, so required to be taken by them respectively as aforesaid, any person or persons claiming to vote at any such election as aforesaid, may at any time, before he or they shall give his or their vote or votes at such election, apply to any one of the persons so appointed and sworn as aforesaid, to take the said oaths of allegiance and supremacy, and abjuration, or any of them, or to subscribe the said declaration of fidelity, and make the said declaration or affirmation of the effect of the said oath of abjuration, or either of them, and the person to whom such application shall be made shall accordingly administer the same to such person or persons so claiming a right to vote, and shall immediately upon such oaths being taken, or declarations or affirmations respectively being subscribed or made, sign and deliver a certificate thereof to such person who shall have taken such oaths, or made or subscribed such declarations or affirmations respectively, which certificate shall contain the name, addition, and place of abode, of the person to whom the same shall be so given; and in case of persons taking the said oaths, shall be in the terms following; (that is to say,)

Form of certificate of taking oaths.

'A. B. [*naming the person taking the oath*] of [*naming the place of such person's abode, and his addition or occupation*] has taken the oath [*or oaths*] of [*naming the said oath or oaths so administered*] before me this

day of And in case of Quakers subscribing the said declaration of fidelity, or taking their affirmation of the effect of the said oath of abjuration, shall be in the form following; (that is to say),

Form of making affirmation.

'A. B. [*naming the person subscribing or affirming*] of [*naming the place of such person's abode, and his addition or occupation*] has made and subscribed the declaration of fidelity, and affirmed the effect of the oath of abjuration [*or if only one of those acts has been done, then naming such one act only*] before me, this

day of And every such person to whom such certificate shall be so

given, and having a right to vote at such election, shall, on producing such certificate to the returning officer or officers, or other person or persons lawfully taking the poll at such election, be permitted to poll, and his vote shall be taken and received in like manner as if such respective oaths, declarations, or affirmations, mentioned and expressed in such respective certificates, had been administered by, and made, subscribed, or taken before, the returning officer or officers at such election.

Production of certificate to entitle qualified persons to vote.

3. AND be it further enacted by the authority aforesaid, That when any person or persons offering to vote at any such election, without producing such certificate as aforesaid, shall be lawfully required to take the said oaths of allegiance, supremacy, and abjuration, or any of them, or to subscribe the said declaration of fidelity, and make the said declaration or affirmation of the effect of the said oath of abjuration, or either of them; then such oaths, subscription, declarations, or affirmations, or any of them, shall not be administered by the returning officer or officers, or other person or persons taking the poll, but the elector or electors so required to take such oaths, or to subscribe or make such declarations or affirmations respectively, shall immediately withdraw, and shall take the said oaths, or subscribe and make the said declarations or affirmations respectively, before one of the persons appointed and sworn as aforesaid, in manner herein-before mentioned.

Persons offering to vote, without producing certificate, to withdraw and take the oaths.

4. AND be it further enacted by the authority aforesaid, That if at any time during the poll at any such election it shall be found that the number of persons so appointed as aforesaid, is insufficient for the purposes aforesaid, and that the poll is delayed for want of a sufficient number of persons to administer such oaths, declarations, and affirmations as aforesaid, then and in every such case the returning officer or officers at such election may, and he or they is and are hereby impowered and required, at the instance and *request in writing*, of any candidate then present, to retain, nominate, and appoint, such further number of persons, for the purpose of administering the said oaths, declarations, and affirmations as aforesaid, and of granting such certificates as aforesaid, as shall be necessary to prevent such delay: and the persons so nominated and appointed shall take the like oath, which shall be administered to them respectively in like manner as is herein-before directed, with respect to the persons first appointed for the purposes aforesaid.

If the number of persons so appointed should be insufficient, more may be appointed.

5. AND be it further enacted by the authority aforesaid, That the returning officer or returning officers at every such election shall, and is and are hereby required to appoint, find, and provide, a proper place for every such person, so appointed as aforesaid, to execute the duty hereby imposed upon such person, to which place the respective electors may have free access, without interrupting the poll, and so as to enable the persons so appointed to act separately without interfering with each other in the execution of their

Returning officers to appoint proper places for taking the oaths, &c.

office; and that each of the said places so appointed shall be open, and attended by the person or persons appointed to act there, during all such times as the poll at any such election shall be kept open, and continue at least eight hours in every day, between the hours of eight in the morning and eight in the evening, until the final close of the poll; and that the said oaths, and the said declarations or affirmations of the effect of the said oath of abjuration, shall respectively be administered to as many of the electors, being ready, and desiring to take or make the same respectively, as can conveniently take or make the same together, not exceeding the number of twelve at one time; and such returning officers shall also find, provide, and deliver to each person, who shall be appointed by him or them in manner aforesaid, a sufficient number of printed forms of the declaration of fidelity required by law to be made and subscribed by Quakers, before they can be admitted to vote at such election, with blanks therein for the names of the persons offering to make and subscribe the same to be inserted therein, one of which forms shall be filled up with the name of, and subscribed by, the persons desiring to make and subscribe the declaration of fidelity; and such returning officer or returning officers shall also find, provide, and deliver to each person who shall be so appointed by him or them as aforesaid, a sufficient number of printed certificates, agreeable to the form herein-before directed, to be filled up as occasion shall require, and deliver to each elector so taking the said oaths, or subscribing or affirming as aforesaid.

The returning officer, on notice, to provide such places to be ready by the day of election.

6. AND be it further enacted by the authority aforesaid, That in case the candidates, or any of them, shall, three days at the least before any such election, give or cause to be given *notice in writing* to the returning officer or officers to provide proper places for administering the said oaths, declarations, and affirmations as aforesaid, to the electors, then and in every such case such proper places shall be prepared and provided, so as to be ready before and against the day of election; and in case there shall not be a sufficient number of fit and convenient places for that purpose, at the town or place where such election shall be had, which the returning officer or officers can conveniently and at a reasonable expence procure, then the said returning officer or officers shall, and is and are hereby required to cause such booths or temporary erections to be made, in convenient places in that behalf, as shall be necessary for the purpose, the expence of which booths or places, and of the said printed forms, and also the allowance and compensation to be made to the several persons who shall be appointed to administer the said oaths, declarations, and affirmations as aforesaid, for their trouble and attendance, not exceeding one pound one shilling a day to every of them for each day of attendance, shall be defrayed and repaid by the candidates at such election, in equal proportions to the returning officer or returning officers who shall have incur-

Expences to be defrayed by the candidates.

red such expence, and shall and may be recovered by such returning officer or returning officers, in any of his majesty's courts of record at Westminster, by action of debt, or on the case, bill, suit, or information, wherein no essoign, protection, or wager of law, or more than one imparlance, shall be allowed.

ANNO 34^o GEORGII III. CAP. 83.

An Act to explain so much of an Act, made in the Twenty-eighth Year of his present Majesty's Reign, intituled An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament, as relates to the time of presenting certain renewed Petitions, and taking the same into Consideration.

A. D. 1794.

WHEREAS, by an act passed in the twenty-eighth year of ²⁸Geo. 3. c. his present majesty's reign, intituled, An act for the fur- ⁵²ther regulation of the trials of controverted elections, or returns of members to serve in parliament, it is enacted, That whenever any such select committee of the house of commons, as is therein mentioned, shall have reported to the house their judgment respecting the right of election of members to serve in parliament for any county, city, borough or place, or of choosing, nominating, or appointing, the returning officer or returning officers, who is or are to make return of such election, it shall be lawful for any person or persons, at any time within twelve calendar months, after the day on which such report shall have been made to the house, or within fourteen days after the day of the commencement of the next session of parliament after that in which such report shall have been made to the house, to petition the house to be admitted as parties to oppose the right which has been deemed valid in the judgment of such committee; and that when such petition shall be so presented, a day shall be appointed by the house for taking the same into consideration, so that the space of forty days at the least shall always intervene between the day of presenting such petition, and the day appointed by the house for taking the same into consideration: and whereas, the said provision which directs that the said space of forty days shall intervene, between the day of presenting such petition, and the day appointed by the house for taking the same into consideration, hath been construed to extend to petitions which are renewed in any such session or sessions of parliament, subsequent to that in which such petition was originally presented to the house, which proceeding hath been found to be inconvenient; for remedy thereof, be it enacted, &c. That every petition so renewed as aforesaid, shall be presented to the house within fourteen days after the day of the commencement of any such subsequent session or sessions of parliament, and not otherwise; and that whenever any such renewed petition shall be so presented, a day and hour at not less than fourteen

Time of presenting and hearing renewed petitions of persons praying to be admitted as parties, to oppose the

right of election reported by committees.

If such petitions be not renewed, the judgment of committees to be final.

days distance, shall be appointed by the house for taking the same into consideration; any thing in the said act to the contrary thereof notwithstanding.

2. AND be it further enacted, That if any such petition shall not from time to time, and in every session of parliament, until the same shall be taken into consideration, be so renewed within the time above limited for renewing the same, the judgment of such committee on such question or questions shall be held and taken to be final and conclusive in all subsequent elections of members of parliament for that place to which the same shall relate, and to all intents and purposes whatsoever.

ANNO 36^o GEORGII III. CAP. 59.

An Act for the more effectual Execution of several Acts of Parliament, made for the Trials of controverted Elections, or Returns of Members to serve in Parliament.

A. D. 1796.

10 Geo. 3.
cap. 16.

WHEREAS by an act, passed in the tenth year of the reign of his present majesty, intituled, An act to regulate the trials of controverted elections, or returns of members to serve in parliament, it is enacted, That at the time appointed for taking any petition, complaining of an undue election or return of a member or members to serve in parliament into consideration, and previous to the reading the order of the day for that purpose, the house shall be counted, and that if there be less than one hundred members present, the order for taking such petition into consideration shall be immediately adjourned to a particular hour on the following day, as therein mentioned, and the house shall then adjourn to the said day; and that on the said following day the house shall proceed in the same manner; and so from day to day till there be an attendance of one hundred members at the reading the order of the day to take such petition into consideration; and whereas by an act, passed in the eleventh year of the reign of his present majesty, for explaining and amending the said act, it is enacted, That if at the time of drawing by lot the names of the members, in manner prescribed by the said former act, the number of forty-nine members, not set aside nor excused, cannot be completed, the house shall proceed in the manner they are directed by the said former act to proceed, in case there be less than one hundred members present at the time therein prescribed for counting the house; and so from day to day, as often as the case shall happen: and whereas by an act, passed in the twenty-fifth year of the reign of his present majesty, intituled, An act to limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament for places within England and Wales, and for Berwick upon Tweed, and also for removing difficulties which may arise for want of returns being made of members to serve in parliament; and by one other act, made in the twenty-eighth year of the reign of his

11. Geo. 3.
cap. 42.

25 Geo. 3.
cap. 84. and

28 Geo. 3.
cap. 52. re-
acted.

present majesty, intituled, An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament, it is enacted, That petitions complaining of the omission, or of the insufficiency of a return to any writ issued for the election of any member or members, to serve in parliament, and also the petitions of any person, or persons desiring to oppose any right of election, or the right of choosing, nominating, or appointing, any returning officer or returning officers, which shall have been deemed valid by the determination of any select committee, shall be taken into consideration, tried, and determined, in the same manner as petitions complaining of undue elections and returns are directed to be taken into consideration, tried, and determined, by the said acts passed in the tenth and eleventh years of the reign of his present majesty; and whereas it is expedient that further provision should be made for preventing delay in the appointment of any such select committee, to be appointed for the purposes aforesaid, any or either of them. Be it enacted, &c. That if after counting of the house in the manner before mentioned, there be less than one hundred members present, or if the forty-nine members, not set aside nor excused, cannot be completed, it shall and may be lawful for the house, (after the order or orders for taking any such petition or petitions into consideration, shall have been adjourned to a particular hour, on the following or such other day as in the said acts is directed), to proceed (in like manner as they might have proceeded if there had been no order or orders for taking any such petition or petitions into consideration on that day) upon any order of the day for the call of the house, which shall have been previously fixed for that day and to direct that the house, in pursuance of such order, be then called over, if they shall so think fit, or to direct that such order of the day for a call of the house shall be adjourned to such future day as they shall appoint; and in either of such cases to come to such resolutions, and to make such orders relating thereto, as are usually at any time made in such cases, or as to them shall seem meet; and in case no order of the day for a call of the house shall have been previously fixed for that day, then that it shall and may be lawful for the house to order that the house shall be called over on such future day as they shall appoint, and to make such orders relating thereto as they shall think necessary, and in any case to make such other orders as to them shall seem expedient for enforcing the attendance of the members on the business of the house; and that the house shall then adjourn to the same day to which such order or orders shall have been adjourned, and so from time to time, as occasion shall require; and in case no such proceedings with respect to any call of the house, or other the matters before mentioned shall take place, or if in the course of those proceedings the house shall be adjourned for want of members, the house shall be deemed and taken, and shall be declared to be adjourned to the same day to which such order or orders shall have been adjourned: provided always, that in case

If, after counting the house, according to the first recited act, there be not 100 members present, or if 49, not set aside nor excused, cannot be completed, the house may proceed upon any order of the day for the call of the house, &c.

but if such 49 members cannot be completed, the house not to proceed until the door is unlocked, and the parties, &c. withdrawn.

When petitions are to be taken into consideration, the house not to proceed to other business until there be due attendance except calling over the house, &c.

the forty-nine members, not set aside nor excused; cannot be completed, it shall not be lawful for the house to proceed upon any of the matters before mentioned, until the door of the house is unlocked, and the parties, their counsel and agents, are withdrawn from the bar.

2. PROVIDED always, and be it enacted, That the house shall not, on any day when any such petition or petitions shall be ordered to be taken into consideration, proceed to any other business (other than such as may, by virtue of any act of parliament, be proceeded on previous to the reading of the order of the day for taking any such petition or petitions into consideration) until there be an attendance of one hundred members, or until the number of forty-nine members, not set aside nor excused, shall be completed, other than and except to the calling over of the house, adjourning such call, or ordering a call of the house on a future day, and making such orders relative thereto as they shall think fit, or such other orders as to them shall seem expedient for enforcing the attendance of the members on the business of the house, in the manner before mentioned.

ANNO 39^o GEORGII III. CAP. 6.

An Act to enlarge the Time limited for the Redemption of the Land Tax; and to explain and amend an Act, made in the last Session of Parliament, intituled, An Act for making perpetual, subject to Redemption and Purchase in the Manner therein stated, the several Sums of Money now charged in Great Britain as a Land Tax, for One Year, from the Twenty-fifth Day of March One thousand seven hundred and ninety-eight.
A. D. 1798.

Office of commissioner to execute the said act, not to be deemed a place of profit under his majesty.

49. AND be it further enacted, That the acceptance of the office of a commissioner for the redemption or sale of land-tax under the said act, by reason of any allowance for executing the same, shall not be deemed, taken, or construed to be a place or employment of profit under his majesty, notwithstanding the appointment shall be by warrant under the royal sign manual, but that the same shall be deemed, taken, and construed to be a place or employment under the authority of the said act, to all intents and purposes, and shall not impeach any claim or title which such commissioners may have to any other allowance whatever under his majesty.

ANNO 39^o GEORGII III. CAP. 94.

An Act to ascertain the Salary of the Master and Worker of His Majesty's Mint.
A. D. 1799.

22 G. 3. c. 45. not to extend to the master of the mint.

5. AND whereas the covenants contained in the indenture usually made between his majesty and the master and worker of his majesty's mint, are not in the nature of a contract coming within the meaning and intention of an act, passed in the twenty-second year of the reign of his present

majesty, intituled, *An act for restraining any person concerned in any contract, commission, or agreement, made for the public service, from being elected or sitting or voting as a member of the house of commons*; Be it enacted, That nothing in the said act shall extend, or be construed to extend to any person holding the office of a master and worker of his majesty's mint.

ANNO 39^o & 40^o GEORGII III. CAP. 97.

An Act to incorporate certain Persons by the Name of The London Company for the Manufacture of Flour, Meal, and Bread, for a limited Time. A. D. 1800.

27. And be it further enacted, That no person who shall be a member, or a manager or other officer of the said company, shall for that cause only be disabled from being a member of parliament, or shall, in respect of his share or shares therein, be or be adjudged liable to be a bankrupt within the intent and meaning of all or any of the statutes made of or concerning bankrupts.

None member or officer of the company disabled from sitting in parliament, or shall, in respect of his share, be liable to be a bankrupt.

ANNO 41^o GEORGII III. CAP. 52.

An Act for declaring what Persons shall be disabled from sitting and voting in the House of Commons of the United Kingdom of Great Britain and Ireland; and also for carrying into effect, Part of the fourth Article of the Union of Great Britain and Ireland, by providing in what Cases Persons holding Offices or Places of Profit under the Crown of Ireland, shall be incapable of being Members of the House of Commons of the Parliament of the said United Kingdom. A. D. 1801.

WHEREAS by an act, made in the session of parliament held in the thirty-ninth and fortieth years of the reign of his present majesty, intituled, *An act for the Union of Great Britain and Ireland*, it was amongst other things provided, that the said kingdoms of Great Britain and Ireland should, upon the first day of January in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of the united kingdom of Great Britain and Ireland; and that the said united kingdom should be represented in one and the same parliament, to be stiled the parliament of the united kingdom of Great Britain and Ireland: and whereas it is expedient fully to declare in what cases persons are and shall be disabled from, or incapable of, sitting and voting in the house of commons of the said parliament of the said united kingdom: be it therefore enacted, &c. That, from and after the passing of this act, all persons disabled from or incapable of being elected, or sitting and voting in the house of commons of any parliament of Great Britain, shall be disabled from and be incapable of being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses, for any county,

Preamble.
39 & 40 G. 3.
c. 67.

All persons disabled from sitting in British parliament shall be disabled from sitting in the united parliament as members for Great Britain.

stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called Great Britain.

All persons disabled from sitting in Irish parliaments, shall be disabled from sitting for Ireland.

2. AND be it further enacted, That from and after the passing of this act, all persons disabled from or incapable of being elected, or sitting and voting in the house of commons of any parliament of Ireland, shall be disabled from and be incapable of being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses, for any county, city, borough, town, or place in that part of the united kingdom called Ireland.

Persons disabled by British statutes, shall not hereby be enabled to sit for Ireland, nor *contra*.

3. PROVIDED nevertheless, That nothing in this act shall be construed to enable persons, heretofore disabled by an act of the parliament of Great Britain from sitting and voting in the house of commons of Great Britain, to sit or vote in the house of commons of the said parliament of the said united kingdom, as knights, citizens, or burgesses for any county, city, borough, town, or place in that part of the united kingdom called Ireland; nor to enable persons, heretofore disabled by any acts of the parliament of Ireland from sitting and voting in the house of commons of Ireland, to sit or vote in the house of commons of the parliament of the said united kingdom, as knights, citizens, or burgesses, for any county, stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called Great Britain.

Persons who shall hold certain places in Ireland, shall be disabled from sitting in any future parliament of the united kingdom, viz.

4. AND whereas by the said act for the union of Great Britain and Ireland, it was amongst other things provided, That "until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices or places of profit under the crown of Ireland shall be incapable of being members of the house of commons of the united kingdom, no greater number of members than twenty holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons of the united kingdom;" Be it therefore further enacted, That, from and after the dissolution or other determination of this present parliament, no person or persons who shall by himself or his deputy, or any other in trust for him, or for his benefit take, hold, enjoy or execute, or continue to hold, enjoy, or execute, any of the offices, employments, or places of profit herein-after mentioned, in or for that part of the united kingdom called Ireland, shall be capable of being elected or chosen a member of or of sitting or voting as a member of the house of commons of any parliament of the said united kingdom of Great Britain and Ireland, in any parliament which shall hereafter be summoned and holden; (that is to say),

Commissioners of customs, excise, and stamps, &c.

No person who shall be commissioner of customs, excise, or stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the sums of money, duties, or other aids, heretofore granted, or which shall hereafter be granted, by any act of parliament to his majesty, his heirs or successors (except the commissioners of the treasury and their secretary):

Except treasury.

NOR any person who shall be a commissioner for determining appeals concerning the said duties of customs, excise, or stamps, or for controlling or auditing the account of the said duties (except the auditor general of the exchequer):

Commissioners of appeals.

NOR any person who shall be a commissioner of imprest accounts:

Commissioners of accounts.

NOR any agent for any regiment:

Army agents.

NOR any person who shall directly or indirectly himself, or by any person whatsoever in trust for him or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, or continue to execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission made or entered into under or from the commissioners of his majesty's treasury in Ireland, or with any one or more of such commissioners, or with any other person or persons whomsoever, for or on account of the public service in Ireland; or who shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission which he or they shall have made or entered into as aforesaid, any money to be remitted abroad, or any wares or merchandize to be used or employed in the service of the public, during the time that he shall execute, hold, or enjoy any such contract, agreement or commission, or any part or share thereof, or any benefit or employment arising from the same (except persons who shall be members of any incorporated trading company now existing or established in Ireland, and consisting of more than ten persons, so far as relates to any contract, agreement, or commission, which now is or shall or may hereafter be made, entered into, or accepted by such company in its corporate capacity, for the general benefit of such incorporation or company):

Contractors.

Except members of trading companies, as such.

NOR any deputies or clerks in any of the several offices following; that is to say, the office of lord high treasurer or the commissioners of the treasury, (except the secretary of the treasury); or of the auditor of the receipt of his majesty's exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer (except the secretary of the chancellor of the exchequer); or of the commissioners of stamps, or of the commissioners of appeals.

Deputies or clerks in certain offices.

5. AND be it further enacted, That, from and after the dissolution or other determination of this present parliament, no person who shall have in his own name, or in the name of any person or persons in trust for him or his benefit, any office or place of profit, from or by the nomination or appointment, or by any appointment subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the united kingdom called Ireland, created or erected at any time after the passing of an act of the parliament of Ireland, in the 33d year of the reign of his present majesty, intituled, An act for securing the freedom and independence of the house of commons, by excluding therefrom persons holding any offices under the crown to be

Persons holding new places under the lord lieutenant shall in future be disabled.

Irish act, 39 Geo. 3. c. 21.

hereafter created, or holding certain offices therein enumerated, or pensions for terms of years, or during his majesty's pleasure, shall be capable of being elected or chosen a member of, or of sitting or voting as a member of the house of commons of any parliament of the said united kingdom of Great Britain and Ireland, in any parliament which shall hereafter be summoned and holden.

Disabled persons presuming to sit in parliament shall incur the penalties under former British or Irish acts.

6. AND be it further enacted, That if any person hereby declared to be disabled from, or rendered incapable of sitting or voting in the house of commons, shall nevertheless be elected or returned as a member to serve in parliament for any county, stewartry, city, borough, cinque port, town, or place, in any part of the said united kingdom, such election or return are hereby enacted and declared to be void to all intents and purposes whatsoever; and if any person or persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this act to be elected, shall presume to sit or vote as a member of the said house of commons, such person or persons so sitting or voting shall incur such pains, penalties, and forfeitures, as are inflicted or imposed by the several acts of parliament heretofore passed in Great Britain or Ireland for disabling or incapacitating such persons from sitting in the parliaments of Great Britain or Ireland respectively; and if such person or persons shall be disabled or incapacitated by the having, holding, or accepting of any office, employment, or place of profit, in this act enumerated and particularized, then and in such case such person or persons so sitting or voting, shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to be recovered by such person as shall sue for the same in any court of record in any part of the said united kingdom, by action of debt, bill, plaint, or information, wherein no essoign, protection, or wager of law shall be allowed, and only one imparlance.

Or if disabled under this act shall forfeit 800*l.* per day.

Act shall not extend, during this parliament, to persons holding such offices or places; but no more than 20 such persons shall sit.

7. PROVIDED always, and it is hereby enacted and declared, That nothing in this act shall, during the continuance of this present parliament, extend or be construed to extend or relate to, or shall exclude or disable, any person or persons holding offices or places of profit under the crown of Ireland; so nevertheless, that no greater number than twenty of the persons holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons; and so that no person holding any such office or place shall be capable of being elected, or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house.

Act shall not extend to officers held for life or during good behaviour, except in certain cases.

8. PROVIDED also, and it is hereby further enacted and declared, That nothing in this act shall extend or be construed to exclude any person having or holding any office, place, or employment for life, or for so long as he shall behave himself well in his office (other than and except the commissioners of imprest accounts, and all persons concerned in the managing, collecting, or farming of any sums of money, duties, or other aids granted or to be

granted to his majesty, his heirs or successors); any thing herein contained to the contrary notwithstanding.

9. PROVIDED always, That if any person being chosen a member of the house of commons shall, from and after the passing of this act, accept of any office or profit whatever, immediately and directly from the crown of the said united kingdom, or by the nomination or appointment, or by any other appointment subject to the approbation of the lord lieutenant, lord deputy, lord justices, or other chief governor or governors of that part of the said united kingdom called Ireland, his seat shall thereupon become vacant, and a writ shall issue for a new election: provided nevertheless, that such person (if he be not incapacitated by any thing herein-before contained), shall be capable of being again elected to be a member of the house of commons for the place for which he had been a member, or for any other place sending members to the house of commons.

Members accepting any office whatever from the king, or lord lieutenant &c. of Ireland, shall vacate his seat.

ANNO 41^o GEORGII III. CAP. 63.

An Act to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons.

A. D. 1801.

WHEREAS it is expedient to remove doubts which have arisen respecting the eligibility of persons in holy orders to sit in the house of commons, and also to make effectual provision for excluding them from sitting therein; Be it therefore declared and enacted, &c. That no person having been ordained to the office of the priest or deacon, or being a minister of the church of Scotland, is or shall be capable of being elected to serve in parliament as a member of the house of commons.

No person ordained a priest or deacon, or being a minister of the church of Scotland, shall be capable of being elected a member of the house of commons.

2. AND be it further declared and enacted, That if any person, having been ordained to the office of priest or deacon, or being a minister of the church of Scotland, shall hereafter be elected to serve in parliament as aforesaid, such election and return shall be void; and that if any person, being elected to serve in parliament as a member of the house of commons, shall, after his election, be ordained to the office of priest or deacon, or become a minister of the church of Scotland, then and in such case the seat of such person shall immediately become void; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a member of the house of commons, he shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in any of his majesty's courts at Westminster; and the money so forfeited shall be recovered by the person or persons so suing, with full costs of suit, in any of the said courts, by any action of debt, bill, plaint, or information, in which no essoin, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; and every person

The election of such person shall be void, and if any person after his election shall be ordained a priest, &c. he shall vacate his seat.

Penalty for sitting or voting in either case.

against whom any such penalty or forfeiture shall be recovered by virtue of this act, shall be from thenceforth incapable of taking, holding, or enjoying any benefice, living, or promotion, ecclesiastical, and of taking, holding, or enjoying any office of honour or profit under his majesty, his heirs or successors: provided always, that nothing in this act contained shall extend, or be construed to extend, to make void any election of a person to serve as a member of the house of commons, which election shall have taken place before the passing of this act.

Elections before the passing of this act shall not be void.

Limitation of actions.

3. PROVIDED also, and be it enacted, That no person shall be liable to any forfeiture or penalty inflicted by this act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

What proof shall be *prima facie* sufficient.

4. AND be it further enacted, That proof of the celebration of divine service, according to the rites of the church of England, or of the church of Scotland, in any church or chapel consecrated or set apart for public worship, shall be deemed and taken to be *prima facie* evidence of the fact of such person having been ordained to the office of a priest or deacon, or of his being a minister of the church of Scotland, within the intent and meaning of this act.

ANNO 42^o GEORGII III. CAP. 62.

An Act for extending the Provisions of an Act, made in the Thirty-fourth Year of the Reign of His present Majesty, intituled, An Act for directing the Appointment of commissioners to administer certain Oaths and Declarations, required by law to be taken and made by Persons offering to vote at the Election of Members to serve in Parliament, to all Oaths now required by Law to be taken by Voters at Elections for Members to serve in Parliament. A. D. 1802.

34 Geo. 3. c. 73. s. 1, &c.

WHEREAS by an Act, passed in the thirty-fourth year of the reign of his present majesty, intituled, An act for directing the appointment of commissioners to administer certain oaths and declarations, required by law to be taken and made by persons offering to vote at the election of members to serve in parliament, it was (amongst other things) enacted, that when a poll should be demanded at any election of a member or members to serve in parliament for any county, city, borough, or other place in England or Wales, or for the town of Berwick upon Tweed, the returning officer or officers at every such election, after such poll should be demanded, should, at the instance and request in writing of any of the candidates, under his or their hand or hands, immediately after such request, and before he or they should proceed further in taking the poll, retain, nominate, and appoint two or more persons to administer the oaths of allegiance, supremacy, the declaration of fidelity, the oath of abjuration, and the declaration or affirmation of the effect thereof, required by law to be taken, made, or subscribed by voters at elections of mem-

bers to serve in parliament: and whereas there are other oaths besides those enumerated in the said act, which voters at elections of members to serve in parliament may be by law required to take, the present mode of administering whereof is attended with delay and inconvenience, and the delay and inconvenience intended by the said act to have been prevented, are thereby only in part remedied; Be it therefore enacted, &c. That, from and after the passing of this act, *when a poll shall be demanded* at any election of a member or members to serve in parliament for any county, city, borough, or other place in England or Wales, or for the town of Berwick upon Tweed, the returning officer or officers at every such election, after such poll shall be demanded, shall *at the instance and request in writing of any candidate or candidates at such election, under his or their hand or hands, immediately* after such request, and before he or they shall proceed further in taking the poll, retain, nominate, and appoint two or more persons (as the case may require), severally and at different places separate and apart from the place where the poll shall be taken, to administer all the oaths, and take the declarations and affirmations, now required by law to be taken and made by voters at elections of members to serve in parliament, and to certify the names of the several and respective electors who shall take such oaths and make such declarations and affirmations respectively, in the manner prescribed by the said recited act, and the persons to be appointed as aforesaid shall respectively have full power, and each and every of them is *hereby authorized and required, to administer all and every such several and respective oaths to,* and take such declarations and affirmations from, every such elector who shall desire or be required to take the same oaths, or make the same declarations or affirmations, or any of them, previously to his voting at any such election; and every such person so appointed as aforesaid shall, immediately after such appointment, and before he shall take upon him to act under such appointment, take the following oath; (that is to say),

When a poll shall be demanded at any election for any place in England, &c. the returning officer shall appoint two or more persons to administer all the oaths, &c. required by law.

‘ I do swear that I will faithfully and impartially administer the oaths, and take the declarations and affirmations, now required by law to be taken or made by voters at elections for members to serve in parliament, to and from such persons as shall lawfully apply to me in that behalf, in order to qualify themselves to vote at this election: and that I will on being thereunto requested, fairly and truly give to every such person, or any of them, who shall take such oaths, or make such declarations or affirmations respectively, or any of them, before me, a certificate thereof; and that I will not give such certificate to any person before he shall have taken such oath or oaths, or make such declaration or declarations affirmation or affirmations respectively, as shall be mentioned in such certificate, before me and in my presence.’

Of persons so appointed.

‘ WHICH oath to be taken by the several persons respectively so to be appointed, the returning officer or officers at

every such election, and his or their deputy and deputies, or any of them, is and are hereby authorized and required to administer.

Powers of 34
Geo. 3. c. 73,
extended to
this act.

2. AND be it further enacted, That all and every the clauses, powers, directions, provisions, penalties, and forfeitures, mentioned and contained in the said recited act of the thirty-fourth year of the reign of his present majesty, shall be extended to this act, and be applied for the purposes thereof, in the same manner as if the same were repeated and re-enacted in the body of this present act, any thing herein contained to the contrary thereof in any wise notwithstanding.

ANNO 42^o GEORGII III. CAP. 84.

An Act for the further Regulation of the Trials of controverted Elections, or Returns of Members to serve in Parliament; and for expediting the Proceedings relating thereto.
A. D. 1802.

10 Geo. 3.
c. 16.

11 Geo. 3.
c. 42.

14 Geo. 3.
c. 15.

25 Geo. 3.
c. 84.

28 Geo. 3.
c. 52.

WHEREAS by an act of parliament, passed in the tenth year of the reign of his present majesty, intituled, An act to regulate the trials of controverted elections, or returns of members to serve in parliament, certain regulations were established, for a time therein limited, for the trials of controverted elections or returns of members to serve in parliament: And whereas by an act, passed in the eleventh year of the reign of his present majesty, intituled, An act to explain and amend an act, made in the last session of parliament, intituled, 'An act to regulate the trials of controverted elections, or returns of members to serve in parliament,' further regulations were made therein: And whereas the provisions of the said acts were, by an act passed in the fourteenth year of the reign of his present majesty, continued and made perpetual: And whereas by an act passed in the twenty-fifth year of the reign of his present majesty, intituled, An act to limit the duration of polls and scrutinies, and for making other regulations touching the election of members to serve in parliament, for places within England and Wales, and for Berwick-upon-Tweed; and also for removing difficulties which may arise for want of returns being made of members to serve in parliament, the provisions of the said acts were extended, in the manner therein mentioned, to petitions complaining that no return had been made to a writ issued for the election of a member or members to serve in parliament, within the times limited in the said act, or that such a return was not a return of a member or members, according to the requisition of the writ: And whereas by an act, passed in the twenty-eighth year of the reign of his present majesty, intituled, An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament, certain other regulations were made for the execution of the above recited acts, and for discouraging persons from presenting frivolous or vexa-

tious petitions, or setting up frivolous or vexatious defences, in any of the cases to which the said acts relate, and for the final decision of questions respecting the rights of voting at such elections, or of nominating or appointing the returning officer or returning officers who are to preside thereat: And whereas it is expedient that further regulations should be made for giving dispatch to the execution of certain parts of the said several acts; Be it therefore enacted, &c. That, from and after this present session of parliament, where two or more petitions under and by virtue of the said recited acts, or any of them, are to be taken into consideration by the house of commons, on the same day, it shall and may be lawful, after summoning the members, and counting the house, in the manner directed by the said recited acts, to order all the petitioners and other parties, by themselves, their counsel, or agents, to attend within the house at the same time, before the door shall be locked, and after the list of forty-nine names of the members present hath been drawn by lot, and completed, in order to form the first committee, according to the directions of the said recited acts, it shall and may be lawful to proceed forthwith, and before the door of the house shall be opened, except for the purposes herein-after mentioned, to draw by lot, and complete in like manner, out of the same boxes or glasses, another list of forty-nine names of the remaining members present, in order to form the second committee, according to the said directions; and in the same manner to draw by lot, and complete, successive lists of forty nine names of the remaining members present, in order to form the third and fourth or such other number of committees as may be requisite for the trial of such petitions; and the select committees for the trial and determination of such petitions, and the nominees thereto, shall then severally be appointed according to the rules, directions, and regulations of the said recited acts, in like manner as if only one list of forty-nine names had then been formed.

Where two or more petitions are to be taken into consideration on the same day, all parties may be ordered to attend; and after the list of 49 members hath been ballotted to form the first committee, the house shall immediately proceed to form successive committees as may be requisite.

2. PROVIDED always, That it shall not nor may be lawful to proceed, in manner aforesaid, to form successive lists, in order to form more than one of such committees, unless one hundred and twenty members shall be present in the house at the time of counting the same; nor to form successive lists in order to form more than two such committees, unless two hundred members shall then be present in the house; nor to form successive lists, in order to form more than three such committees, unless two hundred and seventy members shall then be present in the house; nor to form successive lists, in order to form more than four such committees, unless three hundred and sixty members shall then be present in the house; nor to form successive lists, in order to form more than five such committees, unless four hundred and sixty members shall then be present in the house.

Number of members to be present. :

3. PROVIDED always, That in case the house shall proceed, in manner aforesaid, to form successive lists, in order

Names of members ex-

caused for reasons applying especially to one petition may be redrawn

to form two or more such committees, and any member whose name is drawn shall be excused for some reason which applies specially to any one petition, the name of such member shall be returned into the box or glass from whence it has been taken, so that it may be again drawn by lot upon any of the following petitions.

The names of members declared nominees shall be set aside.

4. PROVIDED also, and be it further enacted, That if upon drawing out the name of any member by lot upon one of such petitions, the petitioners or sitting members, or the agents who shall have been ordered, under or by virtue of this act, to attend within the house upon any other petition, shall declare, that such member is intended to be one of the two nominees nominated by them respectively; and if such member shall consent to such nomination, the name of such member so drawn shall be set aside, and another member shall be drawn to supply his place, to complete the number of forty-nine to be drawn by lot.

Lists may be formed of one or more successive committees, as far as the house is enabled by the numbers present.

5. PROVIDED also, that if two or more such petitions are to be taken into consideration on the same day, and it shall happen, by reason that a sufficient number of members liable to serve are not present in the house, that successive lists cannot be formed, in manner aforesaid, upon all such petitions; yet the house may nevertheless proceed to form the list or lists, and appoint the select committee or committees upon one or more of such petitions, as far as they are enabled so to do by the number of members present, and may, after such appointment, proceed to any other business; and the order or orders for taking the remaining petition or petitions into consideration shall be adjourned, as directed by the said recited acts in cases where petitions cannot be taken into consideration on the day appointed for want of a sufficient attendance.

Parties may withdraw and reduce lists between two ballots, and any committee being sworn may leave the house.

6. PROVIDED always, and be it further enacted, That it shall be lawful for the petitioners and other parties, and their counsel or agents, to withdraw from the house as soon as the list of forty-nine names shall have been drawn, in order to form the committee for the trial of such petition respectively; and for the clerk appointed to attend the said committee, to return the reduced list in the time intervening between any two ballots; and the members remaining upon any of the said reduced lists, together with the two members who shall be appointed as nominees, shall be sworn at the table, and shall be at liberty forthwith to depart from the house.

When more than two parties on distinct interests nominees not to be chosen till all the committees are ballotted for.

7. PROVIDED also, and be it further enacted, That, when on a complaint by a petition of an undue election or return, there shall be more than two parties before the house on distinct interests, or complaining or complained of upon different grounds, the thirteen members returned to the house by virtue of the aforesaid act passed in the eleventh year of his present majesty's reign, shall not choose their nominees until all the other select committees to be ballotted for on that day shall have been sworn: Provided also, that if two or more committees shall be appointed on the same day, to decide on any petition whereon there shall be more than two parties as aforesaid before the house,

the committee which shall have been first ballotted for shall have the preference in the choice of members to serve as nominees.

8. AND be it further enacted, That every such committee appointed for the trial and determination of any petition under and by virtue of the said recited acts, and of this act, shall or may be attended by a person well skilled in the art of writing short hand, who shall be specially appointed by the clerk of the house of commons for the time being, and sworn by the chairman faithfully and truly to take down, in short hand, the evidence adduced before the said committee, and from day to day, as occasion may require, to transcribe or cause the same to be transcribed in words at length, for the use of the said committee.

Committees shall be attended by a short-hand writer.

9. AND be it further enacted, That this act shall continue in force two years, and from thence till the end of the session of parliament next after the expiration of the said two years, and no longer.

Continuance of act made perpetual by 47 Geo. 3. c. 1.

ANNO 42^o GEORGH III. CAP. 116. s. 200.

An Act for Consolidating the Provisions of the several Acts passed for the Redemption and Sale of the Land Tax into One Act, and for making further Provision for the Redemption and Sale thereof; and for removing Doubts respecting the Rights of Persons claiming to Vote at Elections for Knights of the Shire and other Members to serve in Parliament, in respect of Messuages, Lands, or Tenements, the Land Tax upon which shall have been redeemed or purchased.

A. D. 1802.

200. AND whereas doubts may arise by reason of the provisions of an act passed in the nineteenth year of the reign of his late majesty king George the second, intituled, 'An act for better regulating of elections of members to serve in parliament for such cities and towns in that part of Great Britain called England, as are counties of themselves;' and of another act, passed in the twentieth year of the reign of his present majesty, intituled, 'An act to remove certain difficulties relative to voters at county elections,' as to the right of voting for the election of knights of the shire, or other members to serve in parliament, by persons who may claim so to vote in respect of messuages, lands, or tenements, the land-tax charged whereon may have been redeemed; be it therefore enacted, That every person who shall tender his vote at the election of any knight or knights of the shire or other member or members to serve in parliament within that part of Great Britain called England, or the principality of Wales, in respect of any messuages, lands, or tenements, of the quality and value which would by law entitle him to vote at such election, the land-tax charged whereon shall have been redeemed or purchased, shall, from and after the passing of this act, be entitled to vote at any such election as aforesaid, without being compelled to shew that such messuages, lands, or tenements, have been assessed to the land-tax, upon proving to the satisfaction of the

19 Geo. 2. c.
28.
20 Geo. 3. c.
17.

Persons claiming to vote for members of parliament in England or Wales, for lands, the land-tax whereon has been redeemed, &c. shall be entitled to vote upon proving such redemption.

returning officer, on oath or otherwise, that such land-tax hath at any time previously to such election been redeemed or purchased, and the said messuages, lands, or tenements, become exonerated therefrom, under the provisions of the said recited acts for the redemption of land-tax, or of this act; the said recited acts passed in the nineteenth year of his late majesty's reign, and in the twentieth year of his present majesty's reign, or any other act or law to the contrary notwithstanding.

ANNO 43^o GEORGE III. CAP. 74.

42 G. 3. c. 62.

An Act for further regulating the Administration of the Oath or Affirmation required to be taken by Electors of Members to serve in Parliament, by an Act, passed in the Second Year of King George the Second, intituled, An Act for the more effectual preventing Bribery and Corruption in the Election of Members to serve in Parliament. A. D. 1803.

2 G. 2. c. 24.

WHEREAS by an act, passed in the forty-second year of the reign of his present majesty, intituled, An act for extending the provisions of an act, made in the thirty-fourth year of the reign of his present majesty, intituled, 'An act for directing the appointment of commissioners to administer certain oaths and declarations required by law to be taken and made by persons offering to vote at the election of members to serve in parliament,' to all oaths now required by law to be taken by voters at elections for members to serve in parliament, it was, among other things enacted, that when a poll should be demanded at any election of a member or members to serve in parliament for any county, city, borough, or other place in England or Wales, or for the town of Berwick upon Tweed, the returning officer or officers at every such election, after such poll should be demanded, should, at the instance and request in writing of any candidate or candidates at such election, under his or their hand or hands, immediately after such request, and before he or they should proceed further in taking the poll, retain, nominate, and appoint two or more persons, (as the case might require) severally and at different places separate and apart from the place where the poll should be taken, to administer all the oaths, and take the declarations and affirmations then required by law to be taken and made by voters at elections of members to serve in parliament: and whereas it is expedient that the oath or affirmation required by an act, passed in the second year of his late majesty King George the second, intituled, An act for the more effectual preventing bribery and corruption in the election of members to serve in parliament, to be taken or made by every freeholder, citizen, freeman, burgess, or person having or claiming to have a right to vote or be polled at any election of any member or members to serve for the commons in parliament, should be taken or made by such freeholder, citizen, freeman, burgess, or person at the poll, immediately before he is admitted to poll at such election; be it therefore enacted, &c. That, from and after the passing of this act, so

much of the said recited act passed in the forty-second year of his present majesty, as respects the said oath or affirmation, required by the said act passed in the second year of king George the second, shall be and is hereby repealed; and that from and after the passing of this act, the said oath or affirmation shall be taken or made by every such freeholder, citizen, freeman, burgess, or person, at the poll, and immediately before he is admitted to poll at such election, in manner prescribed by the said act passed in the second year of his late majesty king George the second, in case the same shall be demanded by either of the candidates, or any two of the electors.

So much of 42 G. 3. c. 62. as respects the bribery oath under 2 G. 2. c. 24. repealed, the said oath shall be taken in manner prescribed by recited act of 2 G. 2.

ANNO 47^o GEORGII III. CAP. I.

An Act to revive and make perpetual and to amend an Act, made in the forty-second Year of His present Majesty, for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament, and for expediting the Proceedings relating thereto. A. D. 1807.

WHEREAS it is expedient that an act, made in the forty-second year of the reign of his present majesty, intituled, An act for the further regulation of the trials of controverted elections or returns of members to serve in parliament, and for expediting the proceedings relating thereto, which was to continue in force two years, and from thence till the end of the sessions of parliament next after the expiration of the said two years and no longer, should be revived and made perpetual: be it therefore enacted, &c. That the said recited act shall, from and after the passing of this act, be and the same is hereby revived, and the said recited act shall be and the same is hereby made perpetual.

42 G. 3. c. 84.

2. PROVIDED always, and be it enacted, That whenever, on any complaint by petition under or by virtue of any act or acts for the regulation of the trials of controverted elections or returns of members to serve in parliament, it shall happen that the thirteen members returned to the house of commons under the directions of the said acts, or any or either of them, shall be entitled by virtue of any regulations or provisions in any of the said recited acts to choose two members or one member (as the case may require) to be added to the said thirteen members for the completion of the committee to try such petition, such thirteen members shall not choose such two members or one member to be added as aforesaid, until all the other select committees to be balloted for on that day (in the appointing of which the parties before the house shall name two members to be added to the members drawn by lot) shall have been sworn, if such committees or any of them can be completed: Provided also, that if two or more committees shall be ballotted for on the same day for the completion of which it shall happen that the thirteen members returned to the house shall be entitled to choose two members or one member as aforesaid, then the thirteen members on the committee or committees which

Regulations for the adding of members to committees.

shall have been first ballotted for, shall have the preference successively in choosing such member or members for the completion of such committee or committees.

ANNO 49^o GEORGII III. CAP. 118.

An Act for better securing the Independence and Purity of Parliament, by preventing the procuring or obtaining of Seats in Parliament by corrupt Practices. A. D. 1809.

2 G. 2. c. 24.

Penalty on persons entering into any engagement for money, &c. to procure or endeavour to procure the election or return.

Penalty.

The election void.

WHEREAS it is expedient to make further provision for preventing corrupt practices in the procuring of elections and returns of members to sit in the house of commons: and whereas the giving, or procuring to be given, or promising to give or to procure to be given any sum of money, gift, or reward, or any office, place, employment, or gratuity, in order to procure the return of any member to serve in parliament, if not given to or for the use of some person having a right or claiming to have a right to act as returning officer, or to vote at such election, is not bribery within the meaning of an act passed in the second year of king George the Second, intituled, An act for the more effectual preventing bribery and corruption in the election of members to serve in parliament, but such gifts or promises are contrary to the ancient usage, right, and freedom of elections, and contrary to the laws and constitution of this realm; be it declared and enacted, &c. That if any person or persons shall, from and after the passing of this act, either by himself, herself, or themselves, or by any other person or persons for or on his, her, or their behalf, give or cause to be given, directly or indirectly, or promise or agree to give any sum of money, gift, or reward, to any person or persons, upon any engagement, contract, or agreement, that such person or persons to whom, to whose use, or on whose behalf such gift or promise shall be made, shall, by himself, herself, or themselves, or by any other person or persons whatsoever at his, her, or their solicitation, request or command, procure or endeavour to procure the return of any person to serve in parliament for any county, stewardry, city, town, borough, cinque port, or place, every person so having given or promised to give, if not returned himself to parliament for such county, stewardry, city, town, borough, cinque port, or place, shall for every such gift or promise forfeit the sum of one thousand pounds, to be recovered in such manner as is therein-after provided, with respect to the sum of five hundred pounds, and every such person so returned and so having given or so having promised to give, or knowing of and consenting to such gifts or promises, upon any such engagement, contract, or agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that parliament for such county, stewardry, city, town, borough, cinque port, or place, and that such person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no member of parliament; and enacted to be, to all intents, constructions, and purposes,

as if he had never been returned or elected a member in parliament; and any person or persons who shall receive or accept of, by himself, herself, or themselves, or by any other person or persons in trust for or to the use or on the behalf of him, her, or them, any such sum of money, gift, or reward, or any such promise upon any such engagement, contract, or agreement, shall forfeit to his majesty the value and amount of such sum of money, gift, or reward, over and above the sum of five hundred pounds, which said sum of five hundred pounds he, she, or they shall forfeit to any person who shall sue for the same, to be recovered with such costs of suit, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, if the offence be committed in that part of the united kingdom called England and Wales, and in any of his majesty's courts of record at Dublin, if the offence be committed in Ireland, wherein respectively no essoin or wager of law, or more than one imparlance shall be allowed; and if the offence be committed in Scotland, then to be recovered with full costs of suit by summary action of complaint before the court of session, or by prosecution before the court of justiciary there.

Penalty.

2. PROVIDED always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to any money paid or agreed to be paid to or by any person, for any legal expence *bona fide* incurred at or concerning any election.

Act not to extend to legal expences.

3. AND be it further enacted, That if any person or persons shall, from and after the passing of this act, by himself, herself, or themselves, or by any other person or persons for or on his, her, or their behalf, give or procure to be given, or promise to give or procure to be given, any office, place, or employment, to any person or persons whatsoever, upon any *express* contract or agreement that such person or persons, to whom or to whose use or on whose behalf such gift or promise shall be made, shall by himself, herself, or themselves, or by any other person or persons at his, her, or their solicitation, request, or command, procure or endeavour to procure the return of any person to serve in parliament for any county, stewardry, city, town, borough, cinque port, or place, such person so returned, and so having given or procured to be given, or so having promised to give or procure to be given, or knowing of and consenting to such gift or promise upon any such *express* contract or agreement, shall be and is hereby declared and enacted to be disabled and incapacitated to serve in that parliament for such county, stewardry, city, town, borough, cinque port, or place, and that such person shall be deemed and taken, and is hereby declared and enacted to be deemed and taken to be no member of parliament, and enacted to be to all intents, constructions, and purposes as if he had never been returned or elected a member in parliament; and any person who shall receive or accept of, by himself, herself, or themselves, or by any other person or persons in trust for or to the use or on the behalf of such persons, any such office,

Penalty on persons entering into agreements to give or procure any office, &c. in order to procure the election of a member, or receiving any such office, &c.

Penalty.

place, or employment, upon such express contract or agreement, shall forfeit such office, place, or employment, and be incapacitated for holding the same, and shall forfeit the sum of five hundred pounds, which said sum of five hundred pounds shall be recovered as is herein-before enacted; and any person holding any office under his majesty, who shall give such office, appointment, or place, upon any such express contract or agreement, that the person to whom or for whose use such office, appointment, or place shall have been given, shall so procure or endeavour to procure the return of any person to serve in parliament, shall forfeit the sum of one thousand pounds, to be recovered in such manner as is herein-before provided.

Limitation of actions.

Two years.

4. AND be it further enacted, That no person shall be made liable to any forfeiture or penalty by this act created or imposed, unless some prosecution, action, or suit, for the offence committed, shall be actually and legally commenced against such person within the space of two years next after such offence against this act shall be committed, and unless such person shall be actually and legally arrested, summoned, or otherwise served with any original or other writ or process within the same space of time, so as such arrest, summons, or service of any original or other writ or process shall not be prevented by such person absconding or withdrawing out of the jurisdiction of the court out of which such original or other writ or process shall have issued; and in case of any such prosecution, suit, or process as aforesaid, the same shall be proceeded in and carried on without any wilful delay; and that all statutes of jeofails and amendments of the law whatever shall and may be construed to extend to all proceedings in any such prosecution, action, or suit.

ANNO 51^o GEORGE III. CAP. 99.

An Act for removing Doubts as to the registering of certain Property purchased or sold under the Land Tax Redemption Act, in Right of which Persons may claim to vote at Elections of Members to serve in Parliament. A. D. 1811.

2 G. 3. c. 116.

Sect. 154.

WHEREAS by an act passed in the forty-second year of his present majesty, intituled, An act for consolidating the provisions of the several acts passed for the redemption and sale of the land tax into one act, and for making further provisions for the redemption and sale thereof; and for removing doubts respecting the right of persons claiming to vote at elections for knights of the shire, and other members to serve in parliament, in respect of messuages, lands, or tenements, the land tax upon which shall have been redeemed or purchased, purchasers of land tax charged upon manors, messuages, lands, tenements, and hereditaments, are by virtue of that act adjudged, deemed, and taken to be in the actual seizin and possession of yearly rents or sums, as fee farm rents, equal in amount to the land tax so purchased by them, to be issuing and payable out of the

manors, messuages, lands, tenements, and hereditaments, whereas the land tax so purchased was charged: and whereas no person is allowed by law to vote for electing any member of parliament, in respect of any annuity, fee farm rent, or rent charge, without the same being first duly registered in a manner directed by law: and whereas doubts have arisen, whether any person can vote at an election for a member of parliament in respect of any land tax so purchased as aforesaid, without the same or some memorial of the contract or certificate for such purchase being first registered, in the same manner as other fee farm rents, rent charges, and annuities or memorials of the grant thereof, required to be registered as aforesaid; now for removing such doubts, be it enacted and declared, &c. That in order to entitle any person to vote at an election for a member of parliament, in respect of land tax so purchased as aforesaid, it shall not be necessary to have the same or any memorial of the contract or certificate of the purchase thereof registered, as other fee farm rents and annuities, or a memorial of the grant thereof, are required by law to be registered, before any person can vote for electing a member of parliament in respect thereof.

Registry of purchase of land tax not necessary to entitle to vote at elections.

ANNO 52^o GEORGE III. CAP. 144.

An Act to suspend and finally vacate the Seats of Members of the House of Commons, who shall become Bankrupts, and who shall not pay their Debts in full within a limited Time.
A. D. 1812.

WHEREAS it is highly necessary, for the preservation of the dignity and independence of parliament, that members of the house of commons of the united kingdom, who become bankrupts, and do not pay their debts in full, shall not retain their seats: be it therefore enacted, &c. That from and after the passing of this act, whenever a commission of bankruptcy shall issue and be awarded against any person being a member of the house of commons, and he shall be found and declared a bankrupt under the same, such member shall be, and shall remain during twelve calendar months from the time of the issuing thereof, utterly incapable of sitting and voting in the said house of commons, unless within the said period such commission shall be annulled, or unless within the same period the creditors of such member of the house of commons proving their debts under the commission of bankruptcy shall be paid or satisfied to the full amount of their debts under the said commission: provided always, that such of the debts, if any, as shall be disputed by such bankrupt, if he shall, within the time aforesaid, enter into a bond or bonds, in such sum or sums, with two sufficient sureties to be approved by the commissioners under the said commission of bankruptcy, or the major part of them, to pay such sum or sums of money as shall be recovered in any action, suit, or other proceeding in law or equity, concerning such debt

Seats of members to be vacant in certain cases of bankruptcy.

or debts, together with such costs as shall be given in the same, shall be considered for the purposes of this act as paid or satisfied.

Speaker to issue writ for election of another member.

2. AND be it further enacted by the authority aforesaid, that if the said commission shall not, within twelve calendar months from the issuing thereof, be superseded, nor the debts satisfied in manner aforesaid, then the commissioners, or the major part of them named in such commission, shall and they are hereby required, immediately after the expiration of twelve calendar months from the issuing of the said commission, to certify the same as the case may be, to the speaker of the house of commons of the united kingdom, and thereupon the election of such member shall be and is hereby declared to be void : and it shall and may be lawful for the speaker of the house of commons for the time being, during any recess of the said house, whether by prorogation or adjournment, and he is hereby required forthwith, after receiving such certificate, to cause notice thereof to be inserted in the *London Gazette*, and upon the expiration of fourteen days after the day of inserting such notice in the *Gazette*, to issue his warrant to the clerk of the crown, to make out a new writ for electing another member in the room of such member who shall have so vacated his seat : provided always, that nothing herein contained shall extend to enable the speaker of the house of commons to issue his warrant for the purposes aforesaid, unless such certificate shall have been delivered to him so long before the then next meeting of the house of commons for the dispatch of business, as that the writ for the election may be issued before the day of such next meeting of the house of commons.

Provisions of 24 G. 3. c. 26. extended to act.

3. AND be it further enacted by the authority aforesaid, That all and every of the powers contained in an act of the twenty-fourth year of the reign of his present majesty, for repealing so much of two former acts, as authorized the speaker of the house of commons to issue his warrant to the clerk of the crown for making out writs for the election of members to serve in parliament in the manner therein mentioned, and for substituting other provisions for the like purposes, so far as such powers enable the speaker of the house of commons to nominate and appoint other persons, being members of the house of commons, to issue warrants for the making out of new writs during the vacancy of the office of speaker, or during his absence out of the realm, shall be and they are hereby made to be in force for the purpose of enabling him to make the like nomination and appointment for issuing warrants under the like circumstances and conditions, for the election of members of parliament in the room of such whose seats shall become vacant under the provisions of this act.

ANNO 53^o GEORGII III. CAP. 49.

An Act to explain and amend an Act, passed in the 7th and 8th Years of the Reign of the late King William, as far as relates to the splitting and dividing the Interest in Houses and Lands among several Persons, to enable them to vote at Elections of Members to serve in Parliament.

21st May, 1813.

WHEREAS by an act of parliament made in the seventh year of the reign of his late majesty, king William the Third, intituled, 'An act for the further regulating elections of members to serve in parliament, and for preventing irregular proceedings of sheriffs and other officers in the electing and returning such members,' it is amongst other things enacted, That all conveyances of any messuages, lands, tenements, or hereditaments, in any county, city, borough, town corporate, port or place, in order to multiply voices, or to split and divide the interest in any houses or lands, amongst several persons to enable them to vote at elections of members to serve in parliament, shall be void and of none effect: and whereas doubts have been entertained whether devises by will made in such cases, and for such purposes, are within the true intent and meaning of the said act: be it enacted and declared, &c. That all devises by will made in such cases, and for such purposes, as by the said act are hereinbefore described, are and shall be taken to be conveyances within the true intent and meaning of the said act, as if the same had been therein specially mentioned: provided always, that this act shall not revoke or defeat, or be construed to revoke or defeat any part of any will, in which is comprised any devise or devises, which is or are hereby declared void, other than or beyond the devise or devises made void by this act.

7 Gul. 3. c. 25.

Devises by will splitting votes.

2. AND whereas divers freehold estates may have been heretofore acquired under such devises as are hereby declared to be void, the possession of which freehold estates it may nevertheless be expedient to quiet and protect: be it therefore further enacted, That nothing herein declared shall extend to or affect any devise made by any testator or testatrix, whose death took place twenty years before the passing of this act.

Certain devises not affected.

ANNO 53^o GEORGII III. CAP. 71.

An Act for amending and rendering more effectual the Laws for the Trials of controverted Elections and Returns of Members to serve in Parliament.

22d June, 1813.

WHEREAS divers acts of parliament have been made for regulating the trial of controverted elections or returns of members to serve in parliament: and whereas it is expedient that further regulations should be made for that purpose: be it enacted, &c. That in all cases of controverted elections, or returns of members to serve in parlia-

Lists of voters intended to be objected to, to

be delivered to the clerk of the house of commons. For counties within ten days; for all other places, within five days.

ment for Great Britain, all the parties complaining of or defending such elections or returns, shall by themselves or their agents, deliver in to the clerk of the house of commons, lists of the voters intended to be objected to, to be by the said clerk kept in his office, open to the inspection of all parties concerned; giving in the said lists the several heads of objections, and distinguishing the same against the names of the voters excepted to; and that such lists shall be so delivered in upon all controverted elections and returns for Scotland, or for any county in England or Wales, ten days at least before the day appointed for the consideration of the petition complaining of such election and return; and upon all other controverted elections or returns for England or Wales, five days at least before the day appointed for the consideration of such petition: provided always, and be it enacted, That if the consideration of any such petition shall be postponed by order of the house, during the same session, or shall be renewed at the commencement of another session, it shall be sufficient if such lists shall be so delivered within such periods as are hereby directed, before the committees for the trial of such petitions shall be actually appointed.

Evidence confined to objections particularized in lists.

2. AND be it further enacted, That no evidence shall be adduced before the select committee appointed for the trial of the petition, upon which such list shall have been delivered in, against the validity of any vote upon any head of objection to such voter, other than one of the heads so specified and particularized against him in such list as aforesaid; and that if any ground of objection shall be stated against any voter in such lists, and no evidence shall be produced before such select committee, to substantiate such objection, and if such select committee shall be of opinion that such objection was frivolous or vexatious, the said committee shall report the same to the house of commons, together with their opinion on the other matters relating to the said petition: and the party or parties opposite shall in such case be entitled to recover from the party or parties by whom or on whose behalf any such objections were made, the full costs and expences incurred by reason of such frivolous or vexatious objections; which costs and expences shall be ascertained and recovered in the same manner and form as are now provided by law, for the recovery of costs and expences in cases of frivolous or vexatious petitions.

Costs on frivolous or vexatious objections.

Recognition by petitioners.

3. AND whereas it is expedient that provision shall be made to ensure the more punctual payment of all costs expences, and fees, which may become due to witnesses, officers of the house, and parties, by reason of the trial of controverted elections: be it further enacted, That no proceeding shall be had on any petition by virtue of any act concerning the trial of controverted elections and returns, unless the person or persons subscribing the same, or some one or more of them, shall within fourteen days after the same shall have been presented to the house, or within such further time as shall be limited by the house, personally

enter into a recognizance to our sovereign lord the king, according to the form hereunto annexed, in the sum of one thousand pounds, with two sufficient sureties in the sum of five hundred pounds each, for the payment of all costs, expences, and fees, which shall become due to any witness summoned in behalf of the person or persons so subscribing such petition, or to any clerk or officer of the house; upon the trial of the said petition, or to the party who shall appear before the house or committee in opposition to such petition, in case such person or persons shall fail to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration; or in case the said petition shall be withdrawn by the permission of the house; or in case such committee shall report to the house that the said petition appears to them to be frivolous or vexatious; and if at the expiration of the said fourteen days, such recognizance shall not have been entered into, or shall not have been received by the speaker of the house of commons, the speaker shall report the same to the house, and the order for taking such petition into consideration shall thereupon be discharged, unless upon matter specially stated and verified on oath to the satisfaction of the house, the house shall see cause to enlarge the time for entering into such recognizance; and whenever such time shall be so enlarged, the order for taking such petition into consideration, shall, if necessary, be postponed, so that no such petition shall be taken into consideration till after such recognizance shall have been entered into and received by the speaker: provided always, that the time for entering into such recognizance shall not be enlarged more than once, or for any number of days exceeding thirty.

Payments due to witnesses, clerks, and to parties opposite.

Recognizance enlarged.

4. AND be it enacted, That eight days at least before the person or persons so petitioning shall enter into the said recognizance, he or they, by themselves or their agents, shall deliver in writing to the clerk of the house of commons, the names of the sureties who are proposed to enter into such recognizance; which names shall be entered in a book to be kept by the said clerk, in his office, open to the inspection of all parties concerned.

Names of sureties delivered to clerk of house of commons.

5. AND be it further enacted, That the said recognizance shall be entered into, and that the sufficiency of the sureties named therein, shall be allowed and judged of in like manner, and under such regulations as are enacted by an act passed in the twenty-eighth year of his majesty's reign, and intituled, 'An act for the further Regulation of the Trials of controverted Elections or Returns of Members to serve in Parliament,' with respect to the recognizance therein directed to be entered into by persons presenting petitions complaining of undue elections or returns.

Recognizance entered into as by 28 G. 3. c. 52.

6. PROVIDED always, and be it further enacted, That it shall and may be lawful for the same persons, if sufficient, to become sureties in the recognizance herein directed, and in the recognizance directed by the said recited act, and that the names of the sureties who are proposed to enter

Persons entering into recognizance under recited act may enter into recognizance under this act.

into the said last mentioned recognizance shall be in like manner delivered to the clerk of the house of commons, and entered by him as is hereinbefore directed with respect to the sureties in the said first mentioned recognizance.

Speaker may direct expences of witnesses or fees to be taxed;

7. AND be it further enacted, That in all cases where any question shall arise, as to the amount of the reasonable costs, expences, or fees, which shall be due and payable to any witness, or to any clerk or officer of the house of commons, upon the trial of any such petition, the speaker of the said house shall, on application, direct the same to be taxed by such persons, and in like manner as by the said recited act is directed for the taxing of costs and expences, in all cases where petitions or the opposition to such petitions have been declared to be frivolous or vexatious; and the persons so authorized and directed to tax such costs, expences, and fees, shall, and they are hereby required to examine the same, and to report the amount thereof to the speaker, who shall, on application deliver to the person or persons concerned, a certificate, signed by himself, expressing the amount of the fees, costs, and expences, allowed in such report; and the persons so appointed to tax such costs, expences, and fees, are hereby authorized to demand and receive for such taxation and report, such fees as shall be from time to time fixed by any resolution of the house; and the said certificates, so signed by the speaker, shall be conclusive evidence of the amount of such demands; and the witness, officer, or party, claiming under the same, shall, upon payment thereof, give a receipt at the foot of such certificate, which shall be a sufficient discharge for the same.

to certify the amount.

When petition may be withdrawn.

8. AND whereas it is enacted, by the said recited act, that the house shall not permit any petition complaining of an undue election or return to be withdrawn, except in the cases therein mentioned; be it further enacted, That it shall and may be lawful for the house to permit any such petition on any petition presented in pursuance of the said recited act, to be withdrawn upon matter which shall have arisen since the same was presented, and which shall be specially stated and verified on oath to the satisfaction of the house.

Petitioners not appearing

9. AND be it further enacted, That in all cases where the petitioner or petitioners shall fail to appear before the house by himself or themselves, or by his or their counsel or agents, at the time fixed for the appointment of the select committee, the house not having permitted such petition to be withdrawn, and the order for the consideration of such petition shall be thereupon discharged in pursuance of the said recited act of the twenty-eighth year of his majesty's reign, the party or parties who shall attend the house in opposition to such petition shall in like manner be entitled to recover from such petitioner or petitioners the full costs and expences which they shall have incurred by reason of such petition.

to pay costs.

10. AND be it further enacted, That in all cases the per-

sons so authorized and directed (in pursuance of this act, or of the said recited act) by the speaker of the house of commons, to tax such costs and expences, shall allow all reasonable costs as between attorney and client.

Costs taxed as between attorney and client.

11. AND be it enacted, That each of the persons so authorized and directed by the speaker of the house of commons, in pursuance of the said recited act or this act, to tax such costs, expences, or fees, and also any master of the high court of chancery, or any of his majesty's justices of the peace, shall be, and they and each of them are hereby authorized and empowered to take any affidavit relative to such costs, expences, or fees, or the taxation or non-payment thereof, and to administer the oath for taking such affidavit; and also that each of the persons who shall be authorized to examine the sufficiency of sureties to be named in the recognizances mentioned in the said act or this act, (besides the persons therein mentioned) shall have power and authority to take any affidavit relative to such sureties, or to the entering into any recognizance, and to administer the oath for taking such affidavit; and that all and every person or persons convicted of wilfully false swearing in any such affidavit or affidavits, shall be deemed guilty of, and suffer the penalties on persons convicted of wilful and corrupt perjury.

Persons appointed to tax costs, &c. empowered to take affidavits.

12. AND be it enacted, That if the petitioner or petitioners, who shall have entered into such recognizances as aforesaid, shall neglect or refuse, for the space of seven days after demand, to pay to any witness who shall have been summoned on his or their behalf before the house, or such select committee, on the trial of the said petition, the sum so certified as aforesaid by the speaker to be due to such witness, together with the further sum of forty shillings per diem, for every day during which such petitioner or petitioners shall delay to satisfy the same: or if such petitioner or petitioners shall neglect or refuse, for the space of six months after demand, to pay to any officer of the house, or to any party who shall appear in opposition to their said petition, the sum so certified by the speaker, in pursuance of this act, or of the said recited act of the twenty-eighth year of his majesty's reign, to be due to such officer or party for their fees, costs, or expences, and that such neglect or refusal shall be proved to the speaker's satisfaction, by affidavit sworn before any master of the high court of chancery, and such master is hereby authorized to administer such oath, and is authorized and required to certify such affidavit under his hand; in every such case such person or persons shall be held to have made default in his or their said recognizance; and the speaker of the house of commons shall thereupon certify such recognizance into the court of exchequer, and shall also certify, that such person or persons have made default therein, and such certificate shall be conclusive evidence of such default, and the recognizance being so certified shall have the same effect as if the same were estreated from a court of law: provided always that such recognizance and certificate shall, in every such case, be delivered by the clerk, deputy clerk,

Petitioner neglecting to pay witnesses, &c. recognizance to be estreated.

or one of the clerks assistant, of the house of commons, into the hands of the lord chief baron of the exchequer, or of one of the barons of the exchequer, or of such officer as shall be appointed by the said court to receive the same.

Speaker's certificate to have the effect of warrant of attorney to confess judgment.

13. AND be it further enacted, That in any action which shall be commenced for the recovery of any costs, expences, or fees, which shall have been certified by the speaker, in pursuance of this act or the said recited act, to be due and payable, such certificate, so signed as aforesaid by him, shall have the force and effect of a warrant of attorney to confess judgment; and the court in which such action shall be commenced, shall, upon motion, and on the production of such certificate, enter up judgment for the sum specified in such certificate to be due from the defendant or defendants in such action, in like manner as if the said defendant or defendants had signed a warrant to confess judgment in the said action to that amount.

Regulations respecting recognizances not to apply to petitions regarding only right of election.

14. PROVIDED always, and be it further enacted, That the several rules and regulations herein-before enacted, by which certain persons are directed to enter into recognizances, and by which certain persons are made liable to the payment of costs to the opposite parties, in the particular manner and in the several cases herein-before specified, shall not be construed to apply to the case of any petition presented in pursuance of the said recited act of the twenty-eighth year of his majesty's reign, and relating solely to any question or questions respecting the right of election, or of choosing, nominating, or appointing, a returning officer or officers.

Petitions opposing right to be presented within six months.

15. AND whereas, by the said act passed in the 28th year of the reign of his present majesty, it is provided, that any person or persons may, within twelve calendar months, present a petition to the house, opposing any such determination respecting the right of election, or the right of choosing, nominating, or appointing, such returning officer or returning officers, or within fourteen days after the commencement of the next session of parliament after that in which such determination shall have been reported to the house, and that forty days shall intervene between the day of presenting such petition to the house and the day appointed for taking the same into consideration; and the allowing of so much time for the purpose aforesaid, has been found to be inconvenient and unnecessary; Be it enacted, That whenever any such report, with respect to such rights, any or either of them, shall be made to the house, it shall and may be lawful for any person or persons, within six months next after the day on which such report shall have been made to the house, or in case such six months shall end between the time when the present or any future parliament shall be dissolved or shall expire, and the day on which the next parliament shall meet; or in case such six months shall expire during any recess, either by the prorogation of parliament, or by the adjournment of the house of commons for fourteen days, inter-

vening between the day of adjournment and the day to which the house shall be so adjourned, then within fourteen days next after the first day of the next parliament, or of the next session of the same parliament, or of the next meeting of the house of commons, as the case may be, to petition the house to be admitted as a party or parties to oppose those rights, any or either of them, which shall have been deemed valid in the judgment of such select committee; and that such petition, when presented, shall be ordered by the house to lay on the table till such six months, or such fourteen days, as aforesaid, shall be expired; and that within twenty-one sitting days after the expiration of such six months or fourteen days, a day and hour shall be appointed by the house for taking the same into consideration, so that the space of fourteen days, at the least, shall always intervene between the day on which such order shall be made and the day appointed by the house for taking the same into consideration; and such day and hour may from time to time be altered, as to the house shall seem fit; and notices of such day and hour, and of such alteration thereof, shall be sent to the several persons who have petitioned the house respecting such rights, in like manner as is done in other cases; any thing in the said last-mentioned act to the contrary notwithstanding.

16. AND whereas it is not fit that any member, having served on a select committee, who shall have reported to the house their determination with respect to the right of election, or the right of choosing, nominating, or appointing, any returning officer or returning officers, under and by virtue of the said recited act, should also serve on a select committee to be appointed to try the merits of a petition opposing such determination; Be it enacted, That if upon the appointment of any such last-mentioned select committee, the name of any member shall be drawn who served on such former committee, and was present at the time of such determination, his name shall be set aside.

Member having served on the committee which reported the right, not to serve on committee on petition opposing that right.

17. AND whereas, by the said recited act, certain notices and reports are ordered to be given and inserted in the next London Gazette, which direction cannot, in many cases, be complied with: Be it enacted, That in all cases where any such notice or proceeding is directed to be published in the next London Gazette, it shall be sufficient if the same is published in one of the two next London Gazettes; any thing in the said act to the contrary notwithstanding.

Notices may be given in one of two next London Gazettes.

18. AND for avoiding and preventing all doubts respecting the appointment of any select committee, under and by virtue of any act concerning the trial of controverted elections and returns, by reason of any of the members of the said committee not being duly qualified to serve upon such committee; Be it enacted, That every select committee which shall be appointed under and by virtue of the said acts or any of them, shall be deemed and taken to have been and to be legally appointed, from and after the time

Select committee, sworn at the table, taken to have been legally appointed.

of any such select committee having been sworn at the table, in the usual manner.

Committees
may examine
persons sub-
scribing peti-
tions.

19. AND whereas doubts have arisen as to the authority of such select committees to examine as a witness any person who may have subscribed the petition, to try and determine which such committee shall have been appointed; Be it hereby declared and enacted, That it is and shall be lawful for any such select committee, duly constituted for the trial of controverted elections or returns, to examine any person, although he shall have subscribed such petition: except it shall otherwise appear to such committee that such person shall be an interested witness.

Nominees
where excus-
ed. 11 G. 3,
c. 42.

20. AND whereas, by an act passed in the 11th year of his present majesty, and intituled, 'An act to explain and amend an act made in the last session of parliament, intituled "An act to regulate the trials of controverted elections, and of returns of members to serve in parliament,"' it is among other things enacted, That in the cases therein provided, the thirteen members whose names shall be returned by the parties to the house, shall by themselves choose two members then present in the house to be added to the said thirteen members; Be it enacted, That either of the members so chosen shall or may be set aside for any of the same causes as those chosen by lot.

Form of Recognizance referred to in this Act.

Form of Re-
cognizance.

'Be it remembered, That on the _____ day of _____ in the year of our lord before me A. B. (speaker of the house of commons) or, (one of his majesty's justices of the peace for the county of _____) came C. D., E. F., and J. G., and severally acknowledged themselves to owe to our sovereign lord the king the following sums: that is to say, the said C. D. the sum of one thousand pounds, and the said E. F. and the said J. G. the sum of five hundred pounds each, to be levied on their respective goods and chattels, lands and tenements, to the use of our said sovereign lord the king, his heirs, and successors, in case the said C. D. shall fail in performing the condition hereunto annexed. The condition of this recognizance is, that if the said C. D. shall well and truly pay all costs and expences and fees which shall be due and payable from the said petitioner to any witness who shall be summoned to give evidence in his behalf, or to any clerk or officer of the house of commons, upon the trial of the petition signed by the said C. D., complaining of an undue election or return for the [here state the county, city, borough, or district of burghs] or complaining that no return has been made for the said _____ within the time limited by act of parliament, or that the return made for the said _____ is not a return of a member or members according to the requisition of the writ: And if the said petitioner shall also well

and truly pay the costs and expences of the party who shall appear before the house in opposition to the said petition, in case the said petitioner shall fail to appear before the house at such time or times as shall be fixed by the house for taking such petition into consideration; or, in case the said C. D. shall withdraw his said petition by the permission of the house; or, in case the select committee appointed by the house to try the matter of the said petition, shall report to the house that the said petition appears to them to be frivolous or vexatious; then 'this recognizance to be void, otherwise to be of full force and effect.'

ANNO 53^o GEORGII III. CAP. 89.

An Act for the more regular Conveyance of Writs for the Election of Members to serve in Parliament.

A. D. 1813.

FOR the more expeditious and regular conveyance of writs for the election of members to serve in parliament, Be it enacted, &c. That when any new parliament shall, at any time hereafter, be summoned or called, as also in all cases of vacancy during this present or any future parliament, the messenger or pursuivant of the great seal, or his deputy, shall, after the receipt thereof, forthwith carry such of the said writs as shall be directed to the sheriffs of London, or sheriff of Middlesex, to the respective offices of such sheriffs or sheriff; and all such other writs to the General post-office in London, and there deliver the same to the postmaster or postmasters general for the time being, or to such other person or persons as the said postmaster or postmasters general shall depute to receive the same, (and which deputation they are hereby respectively required to make,) who, on receipt thereof, shall give an acknowledgment in writing of such receipt to the said messenger, or his deputy, from whom the same shall be received, expressing therein the time of such delivery, and shall keep a duplicate of such acknowledgment, signed by the parties respectively, to whom and by whom the same shall be so delivered; and the said postmaster or postmasters general, or such their deputy or deputies, shall dispatch all such writs, free from the charges of postage, (which they are hereby authorized to do,) by the first post or mail after the receipt thereof, under covers, respectively directed to the proper officer or officers, to whom the said writs shall be respectively directed, and to no other person whomsoever, accompanied with proper directions to the postmaster, or deputy postmaster of the town or place, or nearest to the town or place where such officer or officers shall hold his or their office, requiring such postmaster or deputy postmaster forthwith to carry such writs respectively to such office, and to deliver the same there to such officer or officers to whom the same shall be respectively directed, or to his

Messenger of great seal to carry writs to sheriffs of London and Middlesex; and all other writs to the postmaster general, who shall forward same.

or their deputy or deputies, who are hereby respectively required to give to such postmaster or deputy postmaster a memorandum in writing, under his or their hand or hands, acknowledging the receipt of every such writ, and setting forth the day and hour the same was delivered by such postmaster or deputy postmaster, which memorandum shall also be signed by such postmaster or deputy postmaster, who are hereby required to transmit the same by the first or second post afterwards, to the said postmaster or postmasters general, or their respective deputies at the said General Post Office in London, who are hereby required to make an entry thereof in a proper book for that purpose, and to file and keep such memorandum along with the duplicate of the said acknowledgment, signed by the said messenger as aforesaid, to the intent that the same may be inspected or produced upon all proper occasions, by any person interested in such elections.

Sheriffs, &c.
to give notice
to the post-
masters gene-
ral of place
where they
shall hold
their offices.

II. And that the said postmasters general may be duly informed where such officers, to whom such writs shall be respectively directed, hold their respective offices for the purposes aforesaid; be it further enacted, by the authority aforesaid, That the chancellor of the county palatine of Lancaster, the lord bishop of Durham, or his temporal chancellor of the county palatine of Durham, the chamberlain of the county palatine of Chester, the warden of the cinque ports, the sheriffs and stewards of the several cities, counties, and stewartries, and all other persons to whom such writs for the election of members to serve in parliament, ought to be, and are usually directed, or their respective lieutenants or deputies, shall, within one month after the passing of this act, severally send up to the said postmasters general, an account of the city, town, or place, where they shall hold their respective offices for the purpose aforesaid, specifying in such account, such particulars as shall be necessary to ascertain the particular situation of such respective offices, and so from time to time, with all convenient speed, as often as the places for holding such offices shall be changed; and also an account of such general post town or place as shall be nearest to such offices respectively, in case such respective offices shall not be in any general post town or place; and the said postmasters general shall make, or cause to be made, a list of such places, and cause the same to be hung up, and kept in some public place in the General Post Office aforesaid.

Where sheriffs
hold office in
or near capi-
tal, such no-
tice sent to
messenger of
great seal.

III. PROVIDED always, and be it further enacted, That in all cases where any such sheriff or other person, to whom such writs ought to be directed, shall hold his office within the cities of London or Westminster, or the borough of Southwark, or within five miles thereof, such sheriff or officer shall send such account as aforesaid, of the place where he shall hold such office, to the messenger of the great seal, instead of the said postmaster general; and the said messenger or his deputy shall carry all such writs to such office, in like manner as is herein-before directed in the case of the sheriffs of London and Middlesex.

IV. AND whereas certain profits now arise to the messenger of the great seal, from allowances made to him under the head of mileage, for the conveyance of such writs, which allowances are paid him from the Hanaper office; Be it further enacted, That such allowances shall not be taken away, or any ways affected by this act, during the life of the present messenger of the great seal; but shall after his decease utterly cease and determine; saving and excepting an allowance of two guineas on each writ, for the election of a member to serve in parliament on any vacancy, and of the sum of fifty pounds on the calling of a new parliament; which allowances shall be paid to every messenger of the great seal to be hereafter appointed, from the Hanaper office, in like manner as the present allowances for mileage are now paid.

Certain profits retained during life of present messenger.

V. AND whereas the messenger of the great seal and his deputy have, from time to time, received certain other fees for the conveyance and upon the delivery of writs for the election of members to serve in parliament; Be it enacted, That all such fees shall utterly cease and determine from the passing of this act; and that neither the said messenger, nor his deputy, nor any other person, shall receive or take any fee, reward, or gratuity whatsoever, for the conveyance or delivery of any such writ; and that the lords commissioners of his majesty's treasury shall direct the annual sum of five hundred and twenty pounds to be paid out of the consolidated fund, to the present messenger of the great seal during the continuance of his life, in compensation for all such fees.

50*l.* annually paid messenger for life, in lieu of certain fees.

VI. AND be it further enacted, That every person concerned in the transmitting or delivery of any such writ as aforesaid, who shall wilfully neglect or delay to deliver, or transmit any such writ, or accept any fee, or do any other matter or thing in violation of this act, shall be guilty of a misdemeanor, and may, upon any conviction upon any indictment or information in his majesty's court of King's Bench, be fined and imprisoned at the discretion of the court for such misdemeanor.

Neglecting to deliver writ misdemeanor.

VII. AND be it enacted, That every person who shall commit in Scotland any offence against this act, which is hereby declared to be a misdemeanor, shall be liable to be punished by a fine or imprisonment, as the judge or judges before whom such offender shall be tried and convicted may direct.

Offences in Scotland how punished.

ANNO 55^o GEORGI^{II} III. CAP. 72.

An Act to fix the Election for Glamorganshire at a central place within the said county. A. D. 1815.

WHEREAS it is expedient that the elections of knights to serve in parliament, for the county of Glamorgan, should be holden and determined at a convenient and central place within the said county; Be it therefore enacted, &c. That upon every election to be made of any knight to serve.

Bridge to be the place of election.

in this present or any future parliament for the county of Glamorgan, the sheriff of the said county shall hold his county court for the same election, and every adjournment thereof, at the town of Bridgend, within the said county, and shall proceed to and determine the said election, at the said town of Bridgend, and at no other place.

ANNO 59^o GEORGII III. CAP. 37.

An Act for further regulating the Qualification of Members to serve in the United Parliament of Great Britain and Ireland.
A. D. 1819.

9 Ann. c. 5.
s. 1. WHEREAS by an act passed in the ninth year of the reign of her late majesty Queen Anne, intituled, An act for securing the freedom of parliament, by the further qualifying the members to sit in the house of commons, it was amongst other things enacted, that no person should be capable to sit or vote as a member of the house of commons, for any county, city, borough, or place, within that part of Great Britain called England, the dominion of Wales, and the town of Berwick-on-Tweed, who should not have an estate, freehold or copyhold, for his own life, or for some greater estate either in law or equity, to and for his own use and benefit, of or in lands, tenements, or hereditaments, over and above what would satisfy and clear all incumbrances that might affect the same, lying or being within that part of Great Britain called England, the dominion of Wales, and town of Berwick-upon-Tweed, of the respective annual value therein limited: And whereas by an act passed in the thirty-third year of the reign of his late majesty king George the Second, intituled, An act to enforce and render more effectual the laws relating to the qualification of members to sit in the house of commons, it was enacted, that every person (except as in the said act is excepted) who should be elected a member of the house of commons, should, at the time and in the manner therein directed, produce and deliver to the clerk of the said house, at the table of the said house, a paper or account, signed by such member, containing the names of the parishes, townships, precincts, and counties, in which the lands, tenements, and hereditaments lay, whereby such member should make out his qualification; and should also take and subscribe the oath in the said last-recited act mentioned and contained: And whereas an act was made in the forty-first year of the reign of his present majesty, intituled, An act for regulating, until the first day of May, one thousand eight hundred and two, the trial of controverted elections or returns of members to serve in the united parliament of Great Britain and Ireland, for that part of the united kingdom called Ireland, and for regulating the qualification of members to serve in the said united parliament: And whereas it is just and expedient that the provisions of the last-recited act, so far as relates to the possession of lands, tenements, and hereditaments

33 G. 2. c. 20.
s. 1.

41 G. 3. c. 101.

within Ireland, as a qualification for members to serve in parliament for places within England and Wales, should be extended to lands, tenements, and hereditaments within Scotland: Be it therefore enacted, &c. That it shall be sufficient that such lands, tenements, or hereditaments, whereby any person who from and after passing of this act, shall be elected a member of the house of commons of the parliament of the said united kingdom, for any county, city, borough, cinque port, town, or place within that part of the said united kingdom called England, or the dominion of Wales, or the town of Berwick-upon-Tweed, or within that part of the said united kingdom called Ireland, shall make out his qualification in manner by the said acts of the ninth year of the reign of her late majesty Queen Anne, and the thirty-third year of the reign of his late majesty, directed, shall lie or be either within that part of the said united kingdom called England, or the dominion of Wales, or the town of Berwick-upon-Tweed, or within that part of the said united kingdom called Scotland, or within that part of the said united kingdom called Ireland; any thing in the said acts passed in the ninth year of the reign of her late majesty Queen Anne, or in the said act passed in the thirty-third year of the reign of his late majesty King George the Second, to the contrary notwithstanding.

The lands whereby any person shall make out his qualification to serve as a member for any place in England or Ireland, may lie either in England, Scotland, or Ireland.

ANNO 3^o GEORGII IV. CAP. 55. s. 14.

An Act for the more effectual Administration of the Office of a Justice of the Peace in and near the Metropolis, and for the more effectual Prevention of Depredations on the River Thames and its vicinity, for seven years.

A. D. 1822.

XIV. AND be it further enacted, That no justice appointed as aforesaid shall, during his continuance in such appointment, be capable of being elected, or of sitting as a member of the house of commons; and that no justice, receiver, surveyor, or constable, appointed by virtue of this act, shall, during the time that he shall continue in his office respectively, or within six months after he shall have quitted the same, be capable of giving his vote for the election of a member to serve in parliament for the counties of Middlesex or Surrey, or for the city and liberty of Westminster, or the borough of Southwark respectively; nor shall by word, message, writing, or in any other manner, endeavour to persuade any elector to give or dissuade any elector from giving his vote for the choice of any person to be a member to serve in parliament for the said counties, city, or borough; and every such justice, receiver, surveyor, or constable offending therein, shall forfeit the sum of one hundred pounds; one moiety thereof to the informer, and the other moiety thereof to the use of the poor of the parish or place where such offence shall be committed; to be recovered by any person that shall

Justices not to sit in parliament.

No justice, receiver, surveyor, or constable to vote at certain elections.

Penalty, 100*l*.

sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record at Westminster, in which no essoign, protection, privilege, wager of law, or more than one imparlance shall be allowed; such action to be brought within the space of one year after such offence committed: provided nevertheless, that nothing in this act shall extend to subject any such justice, receiver, surveyor, or constable, to any penalty for any act done by him at or concerning any of the said elections, in the discharge of his duty in the said respective capacities.

APPENDIX.

PART II.

STATUTES FOR IRELAND AND SCOTLAND.

IRELAND.

ANNO 33^o GEORGE III. CAP. 21.

An Act for the Relief of His Majesty's Popish or Roman Catholic Subjects of Ireland.

WHEREAS various acts of parliament have been passed, imposing on his majesty's subjects professing the popish or Roman catholic religion, many restraints and disabilities to which other subjects of this realm are not liable; and, from the peaceable and loyal demeanor of his majesty's popish or Roman catholic subjects, it is fit that such restraints and disabilities should be discontinued: be it therefore enacted, &c. That his majesty's subjects being papists, or persons professing the popish or Roman catholic religion, or married to papists, or persons professing the popish or Roman catholic religion, or educating any of their children in that religion, shall not be liable or subject to any penalties, forfeitures, disabilities, or incapacities; or to any laws for the limitation, charging, or discovering of their estates and property, real or personal, or touching the acquiring of property, or securities affecting property, save such as his majesty's subjects of the protestant religion are liable and subject to; and that such parts of all oaths as are required to be taken by persons in order to qualify themselves for voting at elections of members to serve in parliament; and also such parts of all oaths required to be taken by persons voting at elections for members to serve in parliament, as import to deny that the person taking the same is a papist, or married to a papist, or educates his children in the popish religion, shall not hereafter be required to be taken by any voter, but shall be omitted by the person administering the same; and that it shall not be necessary, in order to entitle a papist or person professing the popish or Roman catholic religion, to vote at an election of members to serve in parliament, that he should at, or previous to his voting, take the

Preamble.

His majesty's subjects professing the Roman catholic religion, or married to papists, or educating their children in that religion, not liable to penalties or incapacities, &c. or to laws for limitation, &c. of their estates and property, or touching the acquiring of property or securities affecting property, save such as protestants are subject to; such parts of oaths as purport to deny, that the person taking the same is a papist, or married to a papist, or educates his children in the popish religion, not to be taken by a voter at elections for mem-

bers to serve in parliament; to be omitted by persons administering.

Oaths of allegiance and abjuration not necessary at or previous to voting.

Roman catholics claiming a right to vote are to perform all qualifications, registries, &c. as protestants in like cases, save as herein before excepted.

Not to extend to repeal or alter any law requiring qualifications from persons in offices of trust under his majesty, &c. save as herein. No right to vote at parish vestries for purposes herein.

This act not to affect any action, &c. now depending, if such instituted previous to this session of parliament. Not to authorize the keeping of arms, &c.

nor to exempt from forfeiture respecting arms; unless seized of a freehold estate of 100*l.* per annum, or possessed of a personal estate of 1000*l.* or upwards; save as, to Roman catholics of freehold estate of 10*l.* per annum and less than 100*l.* or personal estate of 300*l.* and less than 1000*l.* who shall have taken the oath of allegiance, as herein; and also make affidavit in open court, as herein: Name and na-

oaths of allegiance and abjuration, any statute now in force to the contrary of any of the said matters in any wise notwithstanding.

2. PROVIDED always, and be it further enacted, That all papists or persons professing the popish or Roman catholic religion, who may claim to have a right of voting for members to serve in parliament, or of voting for magistrates in any city, town corporate, or borough, within this kingdom, be hereby required to perform all qualifications, registries, and other requisites, which are now required of his majesty's protestant subjects in like cases by any law or laws now of force in this kingdom, save and except such oaths and parts of oaths as are herein-before excepted.

3. AND provided always, That nothing herein-before contained, shall extend, or be construed to extend, to repeal or alter any law or act of parliament now in force, by which certain qualifications are required to be performed by persons enjoying any offices or places of trust under his majesty, his heirs and successors, other than as hereinafter is enacted.

4. PROVIDED also, That nothing herein contained shall extend, or be construed to extend, to give papists, or persons professing the popish religion, a right to vote at any parish vestry for levying of money to rebuild or repair any parish church, or respecting the demising or disposal of the income of any estate belonging to any church or parish, or for the salary of the parish clerk, or at the election of any church-warden.

5. PROVIDED always, That nothing contained in this act shall extend to, or be construed to affect, any action or suit now depending, which shall have been brought or instituted previous to the commencement of this session of parliament.

6. PROVIDED also, That nothing herein contained shall extend to authorize any papist, or person professing the popish or Roman catholic religion, to have or keep in his hands or possession any arms, armour, ammunition, or any warlike stores, sword-blades, barrels, locks, or stocks of guns, or fire-arms, or to exempt such person from any forfeiture or penalty inflicted by any act respecting arms, armour, or ammunition, in the hands or possession of any papist, or respecting papists having or keeping such warlike stores, save and except papists or persons of the popish or Roman catholic religion, seized of a freehold estate of one hundred pounds a-year, or possessed of a personal estate of one thousand pounds or upwards, who are hereby authorized to keep arms and ammunition as protestants now by law may; and also save and except papists or Roman catholics possessing a freehold estate of ten pounds yearly value, and less than one hundred pounds, or a personal estate of three hundred, and less than one thousand pounds, who shall have, at the session of the peace in the county in which they reside, taken the oath of allegiance prescribed to be taken by an act passed in the thirteenth and fourteenth years of his present majesty's reign, intituled, 'As

act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him; and also in open court, swear and subscribe an affidavit that they are possessed of a freehold estate yielding a clear yearly profit to the person making the same of ten pounds, or a personal property of three hundred pounds above his just debts, specifying therein the name and nature of such freehold, and nature of such personal property; which affidavits shall be carefully preserved by the clerk of the peace, who shall have for his trouble a fee of sixpence, and no more, for every such affidavit; and the person making such affidavits, and possessing such property, may keep and use arms and ammunition as protestants may, so long as they shall respectively possess a property of the annual value of ten pounds and upwards, if freehold, or the value of three hundred pounds if personal, any statute to the contrary notwithstanding.

7. AND be it enacted, That it shall and may be lawful for papists, or persons professing the popish or Roman catholic religion, to hold, exercise, and enjoy all civil and military offices, or places of trust or profit under his majesty, his heirs and successors, in this kingdom; and to hold or take degrees, or any professorship in, or be masters or fellows of any college to be hereafter founded in this kingdom, provided that such college shall be a member of the university of Dublin, and shall not be founded exclusively for the education of papists or persons professing the popish or Roman catholic religion, nor consist exclusively of masters, fellows, or other persons to be named or elected on the foundation of such college, being persons professing the popish or Roman catholic religion, or to hold any office or place of trust in, and to be a member of, any lay body corporate, except the college of the Holy and Undivided Trinity of queen Elizabeth, near Dublin, without taking and subscribing the oath of allegiance, supremacy, or adjuration, or making or subscribing the declaration required to be taken, made, and subscribed, to enable any person to hold and enjoy any of such places, and without receiving the sacrament of the Lord's supper according to the rites and ceremonies of the church of Ireland, any law, statute, or bye-law of any corporation to the contrary notwithstanding; provided that every such person shall take and subscribe the oath appointed by the act, passed in the thirteenth and fourteenth years of his majesty's reign, intituled, 'An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him;' and also the oath and declaration following, that is to say:

"I, A. B. do hereby declare, that I do profess the Roman catholic religion."

"I, A. B. do swear, that I do abjure, condemn, and detest, as unchristian and impious, the principle that it is lawful to murder, destroy, or any ways injure any person whatsoever, for or under the pretence of being a heretic; and I do declare solemnly before God, that I believe, that no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour, that it was done

ture of property to be specified in affidavit; affidavit to be preserved by clerk of the peace; sixpence fee; persons making such affidavit, and possessing such property, may use arms as protestants, so long as in possession of such property as herein. Roman catholics may hold civil and military offices or places of trust under his majesty; may take degrees or professorships, or be fellows of any college to be hereafter founded, provided such college be a member of the university of Dublin, and not founded exclusively for the education of Roman catholics, nor consist exclusively of masters or fellows named on the foundation thereof, such being Roman catholics; Roman catholic may be a member of any lay body corporate, except Trinity college, without taking the oath of allegiance, supremacy, or adjuration, or without subscribing declaration as herein; or without receiving the sacrament; provided such person take the oath of allegiance, and also take and subscribe the oath and declaration herein. The declaration. The oath.

either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the catholic faith; neither am I thereby required to believe or profess that the pope is infallible, or that I am bound to obey any order in its own nature immoral, though the pope or any ecclesiastical power should issue or direct such order, but on the contrary, I hold that it would be sinful in me to pay any respect or obedience thereto; I further declare, that I do not believe that any sin whatsoever committed by me can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament; and I do swear, that I will defend, to the utmost of power, the settlement and arrangement of property in this country as established by the laws now in being; I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, for the purpose of substituting a catholic establishment in its stead; and I do solemnly swear, that I will not exercise any privilege, to which I am or may become entitled, to disturb and weaken the protestant religion and protestant government in this kingdom.

“So help me God.”

Papists may be elected professors of medicine upon the foundation of Sir Patrick Dunn.

No person to sit or vote in parliament, or to hold the offices therein, or any office contrary to the rules and orders made by lord lieutenant and council in pursuance of the act of 17 & 18 Char. 2. unless he take and subscribe the oath, &c. as herein offices.

8. AND be it enacted, That papists, or persons professing the popish or Roman catholic religion, may be capable of being elected professors of medicine upon the foundation of Sir Patrick Dunn, any law or statute to the contrary notwithstanding.

9. PROVIDED always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable any person to sit or vote in either house of parliament, or to hold, exercise, or enjoy the office of lord-lieutenant, lord-deputy, or other chief governor or governors of this kingdom, lord high chancellor or keeper, or commissioner of the great seal of this kingdom, lord high treasurer, chancellor of the exchequer, chief justice of the court of king's bench or common pleas, lord chief baron of the court of exchequer, justice of the court of king's bench or common pleas, or baron of the court of exchequer, judge of the high court of admiralty, master or keeper of the rolls, secretary of state, keeper of the privy seal, vice treasurer, teller and cashier of the exchequer, or auditor general, lieutenant or governor, or *custos rotulorum* of counties, secretary to the lord-lieutenant, lord-deputy, or other chief governor or governors of this kingdom, member of his majesty's most honourable privy council, prime-serjeant, attorney-general, solicitor-general, second and third serjeants at law, or king's counsel, masters in chancery, provost, or fellow of the college of the holy and undivided Trinity of queen Elizabeth, near Dublin; postmaster general, master and lieutenant-

general of his majesty's ordnance; commander in chief of his majesty's forces, generals on the staff, and sheriffs and sub-sheriffs of any county in this kingdom; or any office contrary to the rules, orders, and directions, made and established by the lord lieutenant and council, in pursuance of the act passed in the seventeenth and eighteenth years of the reign of king Charles the Second, intituled, 'An act for the explaining of some doubts arising upon an act, intituled, An act for the better execution of his majesty's gracious declaration for the settlement of his kingdom of Ireland, and satisfaction of the several interests of adventurers, soldiers, and other his subjects there, and for making some alterations of, and additions unto the said act, for the more speedy and effectual settlement of this kingdom,' unless he shall have taken, made, and subscribed, the oaths and declaration, and performed the several requisites which, by any law heretofore made, and now of force, are required to enable any person to sit or vote, or to hold, exercise, and enjoy the said offices respectively.

Recital of 17
and 18 Cha. 2.

10. PROVIDED also, and be it enacted, That nothing in this act contained shall enable any papist, or person professing the popish or Roman catholic religion, to exercise any right of presentation to any ecclesiastical benefice whatsoever.

No right of
presentation
to any ecclesi-
astical benefice.

11. AND be it enacted, That no papist, or person professing the popish, or Roman catholic religion, shall be liable to or subject to any penalty, for not attending divine service on the sabbath day, called Sunday, in his or her parish church.

Not subject to
penalty for not
attending divine
service in
parish church.

12. PROVIDED also, and be it enacted, That nothing herein contained shall be construed to extend to authorize any popish priest, or reputed popish priest, to celebrate marriage between protestant and protestant, or between any person who hath been, or professed himself or herself to be, a protestant at any time within twelve months before such celebration of marriage, and a papist, unless such protestant and papist shall have been first married by a clergyman of the protestant religion; and that every popish priest, or reputed popish priest, who shall celebrate any marriage between two protestants, or between any such protestant and papist, unless such protestant and papist shall have been first married by a clergyman of the protestant religion, shall forfeit the sum of five hundred pounds to his majesty, upon conviction thereof.

Popish priest
not to cele-
brate mar-
riage between
protestant and
protestant;
nor between
a person pro-
fessing him or
herself a pro-
testant, within
12 months be-
fore celebra-
tion, and a pa-
pist, unless
first married
by protestant
clergyman;

Penalty 500l.

13. AND whereas it may be expedient, in case his majesty, his heirs and successors, shall be pleased so to alter the statutes of the college of the holy and undivided Trinity, near Dublin, and of the university of Dublin, as to enable persons professing the Roman catholic religion, to enter into or to take degrees in the said university, to remove any obstacle which now exists by statute law; be it enacted, That from and after the first day of June, one thousand seven hundred and ninety-three, it shall not be

After 1st June,
1793, oaths
of allegiance

and abjuration only necessary on taking degrees in Trinity college.

necessary for any person, upon taking any of the degrees usually conferred by the said university, to make or subscribe any declaration, or to take any oath, save the oaths of allegiance and abjuration, any law or statute to the contrary notwithstanding.

No benefit under this act, unless the oath and declaration in this act be made and subscribed, and also the oath appointed by 13 and 14 Geo. 3, as herein.

14. PROVIDED always, that no papist or Roman catholic, or person professing the Roman catholic or popish religion, shall take any benefit by or under this act, unless he shall have first taken and subscribed the oath and declaration in this act contained and set forth, and also the said oath appointed by the said act passed in the thirteenth and fourteenth years of his majesty's reign, intituled, 'An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him,' in some one of his majesty's four courts in Dublin, or at the general sessions of the peace, or at any adjournment thereof to be holden for the county, city, or borough, wherein such papist, or Roman catholic, or person professing the Roman catholic or popish religion, doth inhabit or dwell, or before the going judge or judges of assize, in the county wherein such papist or Roman catholic, or person professing the Roman catholic or popish religion, doth inhabit and dwell, in open court.

Names to be inserted on rolls ;

15. PROVIDED always, and be it enacted, That the names, of such persons as shall so take and subscribe the said oaths and declaration, with their titles and additions, shall be entered upon the rolls for that purpose to be appointed by said respective courts ; and that the said rolls, once in every year, shall be transmitted to and deposited in the Rolls Office in this kingdom, to remain amongst the records thereof ; and the masters or keepers of the rolls in this kingdom, or their lawful deputy or deputies, are hereby empowered and required to give and deliver to such person or persons so taking and subscribing of the said oaths and declaration, a certificate or certificates of such person or persons having taken and subscribed the said oaths and declaration, for each of which certificates the sum of one shilling, and no more, shall be paid.

rolls to be transmitted to Rolls Office ;
masters of rolls to give certificates as herein ;

see 1s.

From 1st Apr. no freeholder, &c. being a Roman catholic, capable of giving his vote for electing a member to parliament, until he has produced certificate as herein.

16. AND be it further provided and enacted, That from and after the first day of April, one thousand seven hundred and ninety-three, no freeholder, burgess, freeman, or inhabitant of this kingdom, being a papist or Roman catholic, or person professing the Roman catholic or popish religion, shall at any time be capable of giving his vote for the electing of any knight or knights of any shire or county within this kingdom, or citizen or burgess to serve in any parliament, until he shall have first produced and shown to the high sheriff of the said county, or his deputy or deputies, at any election of a knight or knights of the said shire, and to the respective chief officer or officers of any city, borough, or town corporate, to whom the return of any citizen or burgess to serve in parliament, doth or shall respectively belong, at the election of any citizen or burgess to serve in parliament, such certificate of his having taken and subscribed the said oaths and declaration, either from the

Rolls Office, or from the proper officer of the court in which the said oaths and declaration shall be taken and subscribed; and such person being a freeholder, freeman, burgess, or inhabitant, so producing and shewing such certificate, shall be then permitted to vote as amply and fully as any protestant freeholder, freeman, burgess, or inhabitant of such county, city, borough, or town corporate, but not otherwise.

ANNO 35^o GEORGII III. CAP. 29.

An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned.
5th June, 1795.

WHEREAS the laws for regulating the election and return of members to serve in parliament, have been found inadequate to the purposes intended; be it therefore enacted, &c. That from and after the first day of June, which will be in the year one thousand seven hundred and ninety-five, an act passed in the second year of the reign of King George the First, intituled, 'An act for the more effectual preventing fraudulent conveyances in order to multiply votes for electing members to serve in parliament, and for preventing the irregular proceedings of sheriffs and other officers in electing and returning such members,' except such part thereof as relates to the new election of an alderman or burgess of a corporation upon death, removal, or resignation; and also an act passed in the first year of the reign of his late majesty, king George the Second, intituled, 'An act for the further regulating the election of members of parliament, and preventing the irregular proceedings of sheriffs and other officers, in electing and returning such members,' except so much thereof as relates to the new election of an alderman or burgess of a corporation upon death, removal, or resignation; and also an act passed in the nineteenth year of the reign of his late majesty king George the Second, intituled, 'An act for better regulating elections of members to serve in parliament; and also so much of an act passed in the twenty-first year of the reign of his said late majesty king George the Second, intituled, 'An act to amend and make more effectual an act, intituled, An act for better regulating elections of members to serve in parliament, and for the more effectual quieting of corporations and securing the right of persons who have been, or shall be, elected into the offices of aldermen and burgesses, within any corporation of this kingdom,' as relates to the election of members to serve in parliament, and also an act passed in the third year of the reign of his present majesty, intituled, 'An act for the more effectual preventing bribery and corruption, in the elections of members to serve in parliament, and the magistrates of cities, boroughs, and towns corporate;' and also an act passed in the fifteenth and sixteenth years of the reign of his present majesty, intituled, 'An act for better regulating the elec-

Preamble.

From 1st June, 1795, 2 Geo. 1. c. 19, except such part as relates to election of an alderman or burgess,

and 1 Geo. 2. c. 9.

and 19 Geo. 2. c. 11.

and so much of 21 Geo. 2. c. 10, as relates to elections of members,

and 3 Geo. 3. c. 13.

and 15 and 16 Geo. 3. c. 16.

tion of members to serve in parliament;' and also so much of an act passed in the twenty-first and twenty-second years of the reign of his present majesty, intituled, 'An act for the more effectually preventing the multiplying votes at elections of members to serve in parliament, for boroughs where a right of voting is vested in the protestant inhabitants in general, or protestant inhabitants and others,' as relates to the election of members to serve in parliament, except such part or parts thereof as relate to the elections of chief magistrates, burgesses, and freemen, which said part and parts are to continue and remain in force of law, as if this act had not been passed; and also an act passed in the twenty-first and twenty-second years of the reign of his present majesty, intituled, 'An act to explain and amend an act passed this session of parliament, intituled, An act for the more effectually preventing the multiplying of votes at elections of members to serve in parliament, for boroughs where the right of voting is invested in the protestant inhabitants in general, or protestant inhabitants and others;' and also an act passed in the twenty-third and twenty-fourth years of the reign of his present majesty, intituled, 'An act to amend an act, intituled, An act for preventing bribery and corruption in elections for members to serve in parliament;' and also an act passed in the twenty-fifth year of the reign of his present majesty, intituled, 'An act for the more effectually registering of freeholders;' and also an act passed in the twenty-sixth year of the reign of his present majesty, intituled, 'An act to suspend, for a limited time, the operation of an act passed last session of parliament, intituled, An act for the more effectually registering of freeholders, so far as the same shall affect the election of members to serve in parliament;' and also an act passed in the twenty-sixth year of the reign of his present majesty, intituled, 'An act for amending the several laws relative to the registering of freeholders;' and also an act passed in the twenty-eighth year of the reign of his present majesty, intituled, 'An act for the further amendment of the law relative to the registering of freeholders;' and also an act passed in the twenty-ninth year of the reign of his present majesty, intituled, 'An act to continue the effect of an act, intituled, An act for the further amendment of the law relative to the registering of freeholders;' and also an act passed in the thirtieth year of the reign of his present majesty, intituled, 'An act to continue the effect of an act, intituled, An act for the further amendment of the law relative to the registering of freeholders,' shall be repealed to all intents and purposes whatsoever, except so far as relates to any person who may offer to vote at any election for a member or members to serve in parliament, the test of the writ for holding of which shall bear date before the first day of January, one thousand seven hundred and ninety-seven, or to the powers or conduct of the returning officer, or any deputy, in any respect to any such person or persons, and the oath or oaths to be administered to him.

and so much
of 21 & 22
Geo. 3. c. 21.

as relates to
the election of
members, ex-
cept as herein;

and 21 and 22
Geo. 3. c. 63.

and 23 and 24
Geo. 3. c. 13.

and 25 Geo. 3.
c. 52.

and 26 Geo. 3.
c. 22.

and 26 Geo. 3.
c. 23.

and 28 Geo. 3.
c. 33.

and 29 Geo. 3.
c. 29.

and 30 Geo. 3.
c. 17.

repealed, ex-
cept as herein.

2. AND be it further enacted, That every election to be made of a knight or knights of a shire to serve in parliament for any county in this kingdom, shall be holden at the place where the assizes for such county, and in the county of Dublin, where the sessions of the peace for the said county were last held previous to such election, on such day as the sheriff shall appoint, not sooner than ten nor later than twenty days after he shall have received the writ for holding the same; and that the sheriff shall then and there proceed to election, and shall not adjourn to any other town or place, nor without the consent of all the candidates, longer than from day to day, unless a Sunday shall intervene, and then only from Saturday to the next Monday, and shall duly and orderly, and without delay, proceed in taking of the poll from day to day, until all the freeholders who shall there present themselves shall be polled; and every sheriff shall cause to be affixed on the door of the county court-house, *public notice*, signed by himself, of the day for holding the election, *ten days at least* preceding such day.

Elections of knight of a shire where assizes were last held; in co. Dublin where session of peace.

How sheriff shall hold and adjourn election.

3. AND be it further enacted, That the sheriff of every county shall, *within four days after he shall receive the writ* for the election of any members to serve in parliament, for any place or places within his county, issue his precept or precepts, and cause the same to be delivered to such acting magistrate or magistrates, officer or officers of such place or places as made the last return of members to serve in parliament for the same, be he mayor, sovereign, portrieve, provost, burgomaster, bailiff, or seneschal, and to no other person; and such magistrate or officer shall hold the election thereupon within twenty days from the day of his receiving the precept, having in the usual *public place* in such borough caused to be affixed *notice*, *under his hand*, of the time and place of holding such election, *four days at least* preceding the day of such election, and such sheriff shall accept the return of every such precept from such magistrate and officer only, to whom he shall have so directed such precept respectively.

When and to whom the sheriff shall issue his precept; duty of officer to whom precept shall be issued.

4. AND be it further enacted, That the sheriff or sheriffs of a city or town, *being a county in itself*, shall hold the election for such city or town *within twenty days* from the day of receiving the writ, having in the usual place of such city or town, caused to be affixed notice under his or their hand, of the time and place of holding such election, *ten days at least* preceding the day of the election.

Where sheriff of a city or town shall hold election.

5. AND be it further enacted, That in case the sheriff of any county shall have reason to apprehend a contest at any election to be held by him, or in case any candidate for such county shall, *three days at the least* previous to the day appointed for holding an election, *by writing under his hand*, require the sheriff, such sheriff shall cause to be erected, on some convenient place in or near the session-house, or place where he shall hold such election, though such place should happen to be in the county of a town or city, so many booths, or hire so many buildings as, together

Where sheriff apprehends a contest, or where candidate requires, as herein, as many places shall be erected or hired as there are baronies or half-baronies, with a clerk and deputy to each,

at one guinea per day, paid by all candidates.

with the county court-house, shall make up so many separate places for taking the poll, as there are baronies or half baronies in the county; and shall appropriate one of the said booths, buildings, or other places, to each barony or half barony, the name whereof he shall cause to be affixed, in large, legible characters, on some conspicuous part of the outside thereof; and he shall appoint a clerk for each, and also a deputy for each, except for the one where he shall himself preside; and the expence of every such booth or building, and of repairing and keeping up the same during the poll, and the wages of every such deputy and clerk, which shall not exceed the rate of one guinea a day for each, shall be paid, jointly, by all the candidates to the sheriff, upon demand.

Where elections are not for knights of shire, returning officers to hire or erect booths, &c. at desire of candidate, provided more than 200 have polled formerly;

6. AND be it further enacted, That in all elections for any member or members to serve in parliament, not being elections for a knight or knights of the shire, the returning officer or officers shall, upon demand made to him or them by any candidate, in writing under his hand, *three days at least previous* to the day of holding the election, cause to be erected in or near the place appointed for holding the election, as many booths, or hire as many buildings for taking the poll, as such candidate shall so desire by writing under his hand, provided that the number of electors polled on the last, or any former election, shall have exceeded two hundred; and provided also, that the number of booths or buildings, together with the place appointed for holding the election shall not exceed the rate of one place for every one hundred electors which were polled at the last or any former election; and the returning officer or officers shall appoint a clerk for each place, and a deputy for each, except where he or they shall preside; and the expences of erecting or hiring every such booth or building, and of repairing and keeping up the same during the poll, and the wages of every such deputy and clerk, which shall not exceed one guinea a day for each, shall be paid, jointly, by all the candidates, to the returning officer or officers, upon demand.

not more than 1 place for 100 electors;

a clerk and a deputy for each, at one guinea each, paid by all the candidates.

At elections for knights of shire, freeholders to be polled in booths appropriated to their baronies;

7. AND be it further enacted, That on every election for a knight or knights of a shire, every freeholder shall be polled only in the booth, building, or place appropriated as aforesaid to the barony or half-barony, in which the freehold, by virtue of which he offers to vote, is, either wholly or in part, situated; and that every sheriff may himself take the poll in any of the booths, buildings, or other places appropriated as aforesaid, and from time to time, during the election, change from one to the other, as he shall think fit; and that every returning officer or officers may, from time to time during every election, remove any deputy, or appoint another in his room, and may change every deputy from one booth or building to another, as often as he shall think fit.

Deputies may be removed, &c.

Poll-books to be kept open 7 hours a day,

8. AND be it further enacted, That every returning officer, unless prevented by accident or unavoidable necessity, (an

entry of the nature of which accident or necessity shall be made at large on the poll-book, and signed by him,) shall cause the poll to be kept open in his own and every deputy's court, on every day for seven hours at the least, between eight in the morning and eight at night, Sunday and Christmas day only excepted, from the commencement of the election until the poll shall be finally closed, unless the consent of all the candidates shall be given for his doing otherwise, every which consent shall be entered on his poll-book.

unless by consent of all the candidates.

9. AND be it further enacted, That every returning officer shall, before he proceeds to take the poll, take and subscribe in open court the oath following, which every justice of the peace is hereby required and authorized to administer :

Returning officer to take the following oath :

' I A. B. do swear, that I will honestly, impartially, and without favour to any candidate, take the poll at this election, and that I have not, directly or indirectly, received, nor will I hereafter directly or indirectly receive, any money, gift, reward, promise, contract, or security for money, or other reward, for or in respect of the conduct which I shall observe during the ensuing poll, or the return which I shall make at the close thereof, except the expences of erecting booths, hiring buildings, keeping them in repair, and the payment of clerks and deputies, and counsel for my assistance, and that I will return such person or persons as shall appear, to the best of my judgment at the close of the poll, to have the majority of legal votes.' And that every deputy appointed by virtue of this act shall, before he proceeds to take the poll, take and subscribe in open court the oath following, in presence of the returning officer or officers, who is and are hereby required and empowered to administer the same.

Oath.

Deputies to take the following oath :

' I, A. B. do swear, that I will honestly, impartially, and without favour to any candidate, take the poll at this election, and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract, or security for money, or other reward for, or in respect of the conduct I shall observe during the ensuing poll, and that I will make a fair and true return of all such persons as shall tender their votes before me, to be by me taken to the returning officer or officers by whom I am appointed, whenever and as often as I shall be thereunto required by him or them.'

Oath.

And a memorandum of every of the said oaths being taken, shall be entered on the poll-book.

10. AND be it further enacted, That every deputy shall, upon notice given to him by the returning officer, each day close his poll-book, and deliver in the same immediately to such officer, who shall sum up thereupon the number of votes polled on such day for each candidate, to be read aloud and entered in his poll-book in open court ; and if any deputy shall refuse to deliver his poll-book when required by the returning officer, or shall continue to take the poll after he shall have been directed by him to stop, and

Deputy to close and give up his poll-book each day to officer, who shall sum up the number, &c.

50*l*. penalty on deputy refusing to deliver poll-book, or

polling after directed to stop, or before directed to begin, and votes not allowed.

before he shall be again directed by him to proceed, or after his deputation shall be revoked, he shall forfeit the sum of fifty pounds to any person who shall sue for the same, to be recovered as hereinafter directed, and every vote admitted by him after such refusal or direction to stop, or revocation, shall be void, and the person who offered such vote shall not be deemed to have voted, and is hereby declared not to have voted or to have been polled at such election.

Removals, appointments, and changes of deputies to be publicly proclaimed.

11. PROVIDED always, and be it enacted, That every such removal and new appointment of a deputy, and such notice to a deputy to close the poll and deliver up his book, or to change from one booth or building to another, shall be made publicly, and proclaimed in the place where such deputy shall take the poll by the returning officer or officers, or some person to be for that purpose appointed by him or them.

Rioting shall not be an excuse for closing the poll; but the court may be adjourned from time to time.

12. AND be it further enacted, That if any person or persons shall violently, riotously, or outrageously disturb or interrupt any election, or the proceedings of the poll, such disturbance, riot, or misbehaviour shall not be any excuse to the returning officer or officers, nor afford him or them any pretence for closing the poll, or making a return, but the court shall thereupon be adjourned for some convenient time, as the occasion may require, and, if necessary, shall be further continued by adjournment from time to time, until such disturbance shall have ceased, when such returning officer shall again proceed in taking the poll; and every person who shall be by due course of law convicted of having violently, riotously, or outrageously disturbed the court, or otherwise misbehaved, so as forcibly to interrupt the proceedings of the poll, or of having wilfully effaced, obliterated, torn, altered, or destroyed the whole or any part of the poll-books of the returning officer or officers, or any deputy, whereon any thing relative to the said election shall have been entered, or of having forcibly or fraudulently taken or secreted the same, or any part thereof, or the writ or precept for holding such election, shall be adjudged guilty of felony, and be transported for seven years to some part of his majesty's dominions out of Europe, or be imprisoned for any time not more than seven years, at the discretion of the judge or judges who shall try such person.

No more to be returned than required by the writ.

13. AND be it further enacted, That no returning officer or officers shall, upon any pretence whatsoever, return more than the number of persons he shall by his writ or precept be required to return, and that in case of an equality of voices for any two or more candidates upon the close of the poll, he shall be obliged to give a casting voice, whether otherwise legally qualified to vote or not, or whether he shall have voted or not at such election; and if any returning officer or officers shall return more than the number of persons who shall by the writ or precept be directed to be returned, such returning officer or officers

Officer to have a casting voice;

Officer to forfeit 2,000*l.* if he returns more than the

shall forfeit the sum of two thousand pounds to the person who shall first sue for the same, to be recovered as herein-after directed, and such returning officer or officers shall be rendered incapable of ever after voting at any election for a member or members to serve in parliament.

number directed, and to be incapable of voting.

14. AND be it further enacted, That no fee, gratuity, or reward whatsoever shall be given, paid, received or taken by any sheriff or returning officer or officers of any county, city, town, or borough, for making out, or for the delivery, return, or execution of any writ or precept for the electing a member or members to serve in parliament, and that all contracts, promises, bonds, and securities, to be made or given to any sheriff or other returning officer or officers, for making a return of any member to serve in parliament, or to pay such sheriff or returning officer or officers any sum or sums of money, by way of gratuity or reward, for making such return, or otherwise in respect thereof, shall be, and are hereby declared to be, null and void; and whosoever shall make, give, or accept of such contract, promise, bond, or other security, or any gift or reward to procure any false return, shall forfeit a sum equal to the value given, or intended to be given or accepted in such contract, promise, or other security, gift, or reward, and also the further sum of two hundred pounds to any person who shall first sue for the same, to be recovered as herein after directed.

No fee or reward to returning officer; contracts for making a return shall be void;

persons giving or accepting such, forfeit the amount and 200l.

15. AND be it further enacted, That if any returning officer or officers, or any deputy who shall be appointed pursuant to this act, shall unnecessarily and wilfully protract the poll, or be guilty of any wilful and unnecessary delay in taking the same, every such returning officer or officers, and every such deputy so offending, shall forfeit the sum of five hundred pounds to any person who shall first sue for the same, to be recovered as herein after directed.

Officer or deputy causing unnecessary delay, shall forfeit 500l.

16. AND be it further enacted, That in all elections at which any person shall vote as a freeholder, the returning officer or officers, and every deputy, shall enter in the poll-book the place of every such person's freehold, and the barony or baronies, or half-barony or half-baronies wherein such freehold lies, and also his place of abode, as he shall declare the same, severally, at the time of offering or giving his vote, and also shall enter sworn or affirmed (as the case shall be) against the name of every elector to whom any of the oaths or affirmations, by this act required or authorized, shall be tendered, and by whom the same shall be taken, distinguishing the nature of the oath or affirmation; and that every sheriff presiding at any election for a knight or knights of the shire, shall, within twenty days next after any election for a knight or knights of the shire shall have been closed, faithfully deliver over unto the clerk of the peace of the county all the poll-books of such election, verifying upon oath that he delivers them without any embezzlement, obliteration, erasure, or altera-

Place of freehold, barony, and abode of freeholder to be entered; also sworn or affirmed, &c.

Sheriff to deliver poll-books within 20 days after election for knight of the shire, verified on oath, to the clerk of the peace,

tion, to be carefully kept and preserved amongst the records of the county.

At general elections, officers to make returns of precepts six days before return of writs; she-riffs to make return of writs to c. of crown.

17. AND be it further enacted, That in the case of a general election, every returning officer who shall hold an election by virtue of a precept, shall make due return of such precept six days at least before the return of the writ by virtue of which said precept shall have issued, and that all and every sheriff and sheriffs, who shall receive any writ for the election of any member to serve in parliament, shall make due return of such writ to the clerk of the crown, on or before the day on which such writ shall be returnable.

Return of a writ during session, or prorogation within 40 days after test; if election held by precept, return made to sheriff within 30 days, or forfeit 100*l.* per day.

18. AND be it further enacted, That in all cases where a writ shall be issued during a session or prorogation of parliament, the return be made thereof to the clerk of the crown within forty days after the test thereof, and if by virtue of such writ the election shall be held by precept, the return of such precept shall be made to the sheriff within thirty days after the date thereof; and every sheriff and other returning officer making default therein, shall forfeit to any person who shall sue for the same, the sum of one hundred pounds for each day such default shall be made, to be recovered in manner herein-after mentioned.

No entertainments, presents, cockades, promises, &c. &c.

19. AND be it further enacted, That no person to be hereafter elected to serve in parliament for any county, city, town, or borough, shall, after the test of the writ of summons to parliament, or after the vacancy shall have happened to supply which the election shall be held, by himself, his friends, or agents, or any person or persons employed in his behalf, directly or indirectly give, present, or allow to any person or persons, having a vote or votes in such election, any money, meat, drink, entertainment, or provision, cockades, ribbands, or any other mark of distinction, or make any present, gift, reward, or entertainment, or shall, at any time hereafter, make any promise, agreement, obligation, or engagement, or give or allow any money, meat, drink, provision, present, entertainment, or reward, to or for any such person or persons in particular, or to any such county, city, town, or borough in general, or to or for the use, advantage, benefit, employment, profit, or preferment of any such person or persons, place or places, in order to be elected, or for being elected to serve in parliament for such county, city, town, or borough; and that every person and persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and is, and are hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county, city, town, or borough.

Persons giving, promising, allowing, &c., incapacitated to serve.

Candidates for counties to have only one agent & clerk for each barony or half-barony; cities,

20. AND be it further enacted, That no candidate for a county shall employ, at or for any election for said county, where a poll shall take place, more hired agents or hired clerks than after the rate of one agent and one clerk for each barony or half-barony in said county; and that no

candidate for any city, town, or borough, shall employ, at or for any election which shall be held there, where a poll shall take place, more hired agents or hired clerks than one agent or one clerk for every one hundred voters who polled at the last, or any previous election held there, and that no higher sum shall be paid to any such clerk or agent than five guineas for the first day, and two guineas for every further day which the poll shall continue: and if any candidate shall employ, at or for any election, more hired clerks or agents than is hereby allowed, or pay or premise to pay directly or indirectly to any clerk or agent more than the wages herein specified, he shall for every such offence forfeit to any person who shall sue for the same the sum of one thousand pounds.

towns, &c. one agent or one clerk for every 100 voters; no more than five guineas for 1st day, and two guineas for every other day, for clerk or agent, penalty 1,000*l.* see how far repealed, by 12 G. 4. c. 58, s. 4.

21. AND be it further enacted, That no barrister or counsel, or friend, or adviser of the court, although an elector, shall be permitted to plead before, or be heard as counsel by, any returning officer or any deputy, at any election, on the part of any candidate or elector, either for or against the right of any person to vote at such election or otherwise.

No counsel to plead before returning officer or deputy.

22. PROVIDED always, That it shall and may be lawful for any returning officer to employ a barrister or counsel to assist him in the execution of his duty, and that every candidate may pay any sum he thinks proper towards defraying the expence thereof.

Returning officer may employ a barrister, and candidates may pay the expence.

23. AND be it further enacted, That if any person who shall have, or claim to have, any right to vote in any election of a member or members of parliament, shall directly or indirectly ask, receive, or take any money, or other reward, by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, to give his vote, or to abstain from giving his vote, in any such election; or if any person by himself, his friends, or by any person employed by him, shall, by any gift or reward, or by any promise or agreement, or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall, for every such offence, forfeit the sum of five hundred pounds sterling, to the person who shall first sue for the same, to be recovered as herein-after directed; and every person offending in any of the cases aforesaid from and after judgment obtained against him, in any action or information grounded on this act, shall for ever be disabled to vote in any election of any member or members to serve in parliament, and also shall be for ever disabled to hold, exercise, or enjoy any office or franchise to which he or they then shall, or at any time afterwards may be entitled, as member of any city, borough, or town corporate, as if such person was naturally dead.

Persons who ask or receive any reward for themselves or others, or who influence others for reward, &c., forfeit 500*l.*

24. AND be it further enacted, That from and after the passing this act, all estates, grants, and conveyances whatsoever, made to any person or persons in any fraudulent or collusive manner, on purpose or with intent to qualify him

after judgment such persons shall be disfranchised.

Conveyances made fraudulently, to qualify voters, shall be deemed

ed absolute
against the
persons who
grant them;

or them to give his or their vote or votes at any election or elections of knights of the shire, or citizens for counties of cities, or burgesses for counties of towns, or any other boroughs, subject to conditions or agreements, to defeat or determine such estates, grants, and conveyances, shall be deemed and taken against the person or persons who granted such estate as free and absolute, and be holden and enjoyed by all and every person and persons to whom such conveyance or grant shall be made as aforesaid, freed and absolutely acquitted, exonerated, and discharged of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeasances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts or agreements between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming, revoking, or defeating such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or being privy to such purpose, shall devise or prepare the same, and every person who by colour thereof shall give any vote at any election for any such member to serve in parliament, shall, for every such grant and conveyance so made, or vote so created or given, forfeit the sum of one hundred pounds sterling, to any person who shall sue for the same, to be recovered in manner herein-after directed.

all covenants
for redemption
shall be
void.

Persons who
execute or pre-
pare such con-
veyances, or
who vote un-
der such, for-
feit 100*l*.

None to vote
under 21 years
old; nor by
virtue of a rent
charge, but as
herein.

25. AND be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, who is under the age of twenty-one years, nor by virtue of any freehold arising from a rent-charge, *unless such rent-charge be of the full clear yearly value of twenty pounds at the least*, nor unless he shall have been in possession thereof for one whole year, and shall have been entitled to receive one whole year's rent and profit thereof, *before the test of the writ* for holding such election, unless said freehold shall have come to him by descent, devise, marriage, or marriage-settlement within the said year.

Persons not to
vote whose
freeholds are
let or demised
to persons
from whom
they hold, if
under 20*l*, nor
if let to any
other for the
term he holds.

26. AND be it enacted, That no person shall be admitted to vote at any election, by virtue of any freehold which shall be let or demised to the person or persons from whom he holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns, if the yearly value thereof be under the sum of twenty pounds; and that no person shall be admitted to vote at any election by virtue of a freehold which shall be let or demised to any person or persons for the same term for which he holds the same, if the value thereof be under the yearly sum of twenty pounds.

27. AND be it further enacted, That no person shall be admitted to vote at any election by reason of any trust, estate, or mortgage, unless such trustee or mortgagee shall have been in the actual possession or receipt of the profits thereof, for his own use, twelve calendar months before the test of the writ for holding such election, and the mortgagor, or *cetui que trust* in possession (or both as the case may be) may vote out of such estate, notwithstanding such mortgage or trust.

No trustee, or mortgagee, to vote, unless in possession 12 months before test of writ: mortgagor may vote.

28. AND be it further enacted, That no person shall be admitted to vote at any election by virtue of any freehold granted fraudulently, or in exchange for a freehold in any other county, or in consideration of any increase of rent out of any other lands in the same, or in any other county held by such person from the grantor, though such consideration be not expressed in the deed of grant.

**None to vote
by virtue of
freeholds in
exchange, &c.,
or in consi-
deration of in-
crease of rent.**

29. AND be it further enacted, That no person shall be admitted to vote, as a freeman, at any election of a member to serve in parliament, whose freedom shall not have come to him by service, birth-right, or marriage, unless he shall have been admitted to his freedom, or his freedom shall have been granted to him *six calendar months* at the least before the test of the writ for holding such election.

Freemen to be admitted six months before election, unless by birth-right, &c.

30. AND be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, by virtue of a freehold under the yearly value of twenty pounds, unless such freehold shall have been in his actual occupation, either by his residing thereon, or tilling or grazing the same to the amount of forty shillings yearly value thereof, at the time of his registering the same, pursuant to the provisions of this act hereafter mentioned, and also for six successive calendar months at the least, between the date of such registry and the test of the writ for holding the election, unless such freehold shall have come to such person by devise, descent, marriage or marriage-settlement, and was demised at the time it so came, and continues at the time of such election to be held under him by virtue of such demise.

Freeholders
under 20 $\frac{1}{2}$. to
occupy or till
to amount of
40s. when re-
gistered, and
six months be-
fore test of
writ, unless by
devise, &c.

31. AND be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament by virtue of a freehold, unless he shall have registered the same within eight years preceding the test of the writ for holding such election, in manner following : that is to say, he shall, in open court, at some sessions of the peace held *six months at the least* previous to the said test in the county, town, or city where his freehold lies, take and subscribe the following oath, or if a quaker, the following affirmation, unless his freehold shall consist of a rent-charge :

Freeholds to be registered within eight years of test of writ.

Oath to be taken six months before test, unless freehold is a rent-charge.

Freeholds to be registered within eight years of test of writ.

Oath to be taken six months before test, unless freehold is a rent-charge.

or, of the town or city of _____ in the county of _____
[as the case may be] do swear [or if a quaker, affirm,] that
I am a freeholder of the county of _____ and that
I have a freehold therein, arising from a house or houses,
land, or both, or other hereditaments [as the case may be]

of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at [naming the parish or parishes, if not extra parochial or in dispute between two parishes, and the town-land or town-lands, and barony or half-barony, or baronies or half-baronies wherein it is situated,] in this county, and that the said freehold does not arise from a rent-charge, and that I am in the actual occupation thereof by residing thereon, or by tilling or grazing to the amount at least of forty shillings yearly value thereof, [as the case may be] and that the said freehold is not set or agreed to be set, nor do I intend to set the same to the person or persons from whom I hold it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, and that I have not agreed to set it for the term for which I hold it, nor have I procured it fraudulently, nor has it been granted fraudulently, or in exchange for a freehold in any other county ;' but if such freehold be of the yearly value of twenty pounds, and the freeholder shall choose to register it as being so, the words 'twenty pounds' shall be substituted in the place of the words 'forty shillings,' in the foregoing oath, and the following words shall be omitted therein : 'and that I am in the actual occupation thereof by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof.'

Oath altered where freehold comes by descent, &c. See 37 Geo. 3. c. 47. s. 4.

32. PROVIDED always, and be it enacted, That if such freehold be under the yearly value of twenty pounds, and shall have come to the person offering to register it by descent, devise, marriage, or marriage-settlement, and was demised at the time it so came and continues to be held under such demise, the words in the foregoing oath or affirmation, 'and that I am in the actual occupation thereof by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof,' may be omitted, and the following words inserted in their place, 'and that the said freehold came to me by descent, devise, marriage, or marriage-settlement, [as the case may be,] and was demised at the time it so came to me, and still continues to be held under such demise.'

Alteration in oath where freehold has been registered before, under this act.

33. PROVIDED also, and be it enacted, That in case any person who shall have registered a freehold under the provisions of this act, shall desire to register the same freehold at any subsequent time, all the words in the foregoing oath after the words 'rent-charge' shall be omitted, and the following words inserted, 'and that I registered the said freehold on the day of ' [naming the day, month, and year, when the affidavit of the registry was delivered to the acting clerk of the peace.]

Rent-charges registered within eight years before test of writ.

34. AND be it further enacted, That no person shall be admitted to vote at any such election, by virtue of a freehold arising from a rent-charge, unless he shall have registered the same within eight years preceding the test of the writ for holding such election in manner following, that is to say, he shall, in open court, at some sessions of the

peace held twelve months at the least previous to the said test, in the county, town, or city where his freehold arises, take and subscribe the following oath, or if a quaker, the following affirmation:

'I of in the county of or the town or city of [as the case may be] do swear, [or if a quaker, affirm,] that I am a freeholder of the county of and that I have a freehold therein of the clear yearly value of twenty pounds a year at the least, above all charges payable out of the same, consisting of a rent-charge granted by deed, bearing date the day in the year , on the lands of , [naming the lands mentioned in such deed, and the barony or baronies, half-barony or half-baronies, wherein the same lie,] 'and that I am in the possession thereof, to the clear amount of twenty pounds yearly value thereof, and am entitled to receive the same as it becomes due.'

35. AND be it further enacted, That every oath or affirmation made and subscribed at any sessions of the peace as aforesaid, shall be read aloud in open court, and be signed by two of the justices presiding there, and shall be then delivered by the court to the clerk of the peace, to be filed and kept amongst the records of the county, town, or city.

36. PROVIDED always, and be it further enacted, That where the freehold, whether consisting of a rent-charge or not, shall be of the clear yearly value of fifty pounds, and the freeholder who shall be seized of the same shall take and subscribe the oath or affirmation [as the case may be] respectively required as aforesaid, to be by him taken for registering the said freehold, with the words 'fifty pounds' inserted therein, in place of the words 'forty shillings,' or 'twenty pounds,' in any of the courts of king's bench, common pleas, or exchequer, in the city of Dublin, or at any assizes, and the same shall be subscribed by one of the judges of such courts, or the judge of assize, such oath or affirmation so subscribed may be produced at any sessions of the peace as aforesaid, held in the county, town, or city where such freehold lies, and when read aloud there in open court, shall be signed by two of the justices presiding there, and shall then be delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of such county, town, or city; and every such oath or affirmation so taken, shall be of equal effect for registering such freehold within the meaning of this act, as if it had been made at the sessions of the peace as aforesaid.

37. PROVIDED also, That in all cases where the person intending to register his freehold shall desire to insert in the oath or affirmation before he takes and subscribes the same, either at a sessions, or in any of the courts before-mentioned in the city of Dublin, or at any assizes, the words 'fifty pounds,' in the place of 'forty shillings,' or 'twenty pounds,' the said words shall be inserted therein; and upon his freehold being registered, in consequence of

Oath to be taken twelve months before test.

Oaths read in court, signed and delivered to c. of peace.

Where 50l. freeholders take oath as herein, in Dublin, or at assizes, &c. such may be produced at sessions, &c. and shall be as good as if taken at sessions. See 37 G. 3. c. 47. s. 1, 2.

50l. instead of 40l. to be inserted, at desire of freeholder; upon such being registered, he may vote, although not within eight years.

his taking such oath, or making such affirmation, such registry shall be deemed a sufficient registry to enable him to vote, although it shall not have been made within eight years previous to the test of the writ for holding the election at which he shall offer to vote :

None precluded who have disposed of a part, if they retain as much as sworn to.

38. PROVIDED always, That no person shall be precluded from voting by virtue of any freehold, on account of having sold, aliened, or disposed of any part of the freehold he shall have registered, between the date of such registry and the day he shall offer his vote, if he shall have retained thereof to the annual value sworn in such registry :

Rent-charges by descent, &c. within 15 months, others within nine months, may vote though not registered. See 37 Geo. 3. c. 47, s. 4.

39. PROVIDED also, That no person shall be precluded from voting by virtue of a freehold, on account of its not being registered pursuant to the provisions of this act, if it consists of a rent-charge, and shall have come to him by descent, devise, marriage, or marriage-settlement, within fifteen months previous to the test of the writ for holding the election at which he shall offer to vote, or if it does not consist of a rent-charge, and shall have come to him in like manner within nine months previous to such test :

Clergymen not obliged to register ecclesiastical freeholds.

40. PROVIDED also, That no rector, vicar, or curate shall be obliged to register his freehold, arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election, on account of his not having registered the same.

Clerks of peace to give certificates to freeholders, containing as herein, penalty 5*l*. Freeholder to pay 3*d*.

41. AND be it further enacted, That every clerk of the peace shall give to every person immediately on the registry of his freehold, if he shall demand it, a certificate signed by himself, certifying such person having duly registered the same, and reciting his oath or affirmation exactly therein, under a penalty of five pounds for every neglect or refusal, for which certificate he shall be paid by such freeholder the sum of three pence; and every such certificate, when signed in open court by two justices, and countersigned by the acting clerk of the peace, shall be and is hereby declared to be of equal authenticity with the original oath or affirmation, in case the same shall be lost or mislaid.

Clerk to enter freeholders in a book;

42. AND be it further enacted, That the acting clerk of the peace shall, during every sessions, enter into a book, in alphabetical order, according to the surnames of the persons registered, the substance of every such oath or affirmation, delivered to him in the form following :

Freeholders' Names.	Place of Abode.	Place & nature of freehold.	Parish, &c. where freehold is situate.	Barony or half-barony where freehold is situate.	Value.	Date of Registry.	Affidavit or affirmation, where and when made.

And he shall in every county likewise enter the same in the like in like alphabetical order, and form into separate books, one every county, for each barony or half barony, according to the barony or a book for each barony or half barony, or half barony in which such freehold shall be sworn or with which he affirmed to lie, which books he shall attend with at every shall attend

and swear to, at elections for knight of the shire.

election for a knight or knights of the shire, and deliver in court to the sheriff previous to the commencement of the poll, making oath at the same time, before a justice of the peace, that all the entries in the said books are truly and exactly made, according to the directions of this act.

Clerk to give copies of registries to treasurer in 10 days after copies of which are to be given to freeholders requesting, at 3d. per 100 names.

43. AND be it further enacted, That every clerk of the peace shall, from time to time, within ten days after every sessions, deliver to the treasurer of the county a true copy of every entry of registry by him made at such sessions, which copy shall be kept by the said treasurer amongst the accounts of the said county, and that at the request of any freeholder of said county to the clerk of the peace or treasurer, the said clerk of the peace or treasurer shall, within ten days from such request, deliver to such person a true copy of the registry of all the freeholders which shall have been registered in such county at the time of such request being made, on receiving a sum at the rate of three-pence for every hundred persons' names contained in said copy.

Clerk of peace neglecting to do as herein, forfeit 100*l.* & disqualified; for neglecting to attend at sessions, &c. 50*l.*

44. AND be it further enacted, That if any clerk of the peace shall omit, or neglect to keep, any of the books hereby required, or to make due entries therein, in the order and form required, or to file any oath and affirmation delivered to him to be filed, and to preserve the same free from erasure, blot, interlineation, or damage, or shall omit to give the copies hereby required within the time limited to the treasurer of the county, he shall, for every such offence, forfeit the sum of one hundred pounds, and be incapable of serving as clerk of the peace for any county, and if he shall neglect or refuse to attend at any sessions whereat freeholders may be registered by virtue of this act, or shall omit to give copies of the registry or any poll-book lodged with him, within a reasonable time after demand, he shall forfeit, for every such offence, the sum of fifty pounds to any person suing for the same.

What adjournment of quarter sessions shall be deemed for the purpose of registering freeholders.

45. AND for the greater ease of registering freeholders, be it enacted, That the general or quarter sessions may be adjourned from time to time, to be held either at any usual place of sessions, or at any market-town within the county, and that every such sessions, and every such adjournment thereof, or adjournment of any adjournment, shall be deemed a sessions within the meaning of this act, for the purpose of registering freeholders, but that no special sessions held for any purpose of the militia, or for licensing persons to sell ale, beer, or spirituous liquors, shall be deemed a sessions within the meaning of this act, for the purpose of registering freeholders.

Oaths to be taken by rent-chargers and freeholders, if required, before they poll.

46. AND be it further enacted, That every person who shall offer to vote as a freeholder, shall, before he shall be admitted to poll at any election, declare whether his freehold arises from a rent-charge or not; and if it arises from a rent-charge, he shall, before he be admitted to poll, take the oath hereafter following, entitled, "The rent-charger's oath," if required so to do by any elector; and if his freehold does not arise from a rent-charge, he shall, if so re-

quired by any elector, before he be admitted to poll, take one or other of the oaths hereafter following, entitled, "The freeholder's oath," in every which oath the sum of forty shillings, or twenty pounds, or fifty pounds, shall be inserted, according as the same shall have been entered in the oath for the registry of the freehold.

Freeholder's oath, where the freehold is registered under the yearly value of twenty pounds.

' I , of , in the county of Freeholder's oath, where under 20l.
 , [or] of the town or city of
 [as the case may be,] do swear, [or if a quaker, affirm,] that I am a freeholder of this county, and that I have a freehold therein arising from a house, or houses, land, or both, or other hereditaments, [as the case may be,] of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at
 [naming the parish or parishes, the town-land or town-lands, and barony or half-barony, or baronies or half-baronies, as stated in his oath of registry,] in this county, and that the said freehold does not arise from a rent-charge, and that I have been in the actual occupation thereof for six successive months at the least, between the day on which I registered the same and the day of
 [naming the day of the test of the writ for holding the election,] by residing thereon, or tilling or grazing to the amount of forty shillings yearly value thereof, [as the case may be,] and that the said freehold is not set, or agreed to be set, to the person or persons from whom I hold it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, and that I have not set it, or agreed to set it, for the term for which I hold it, and that I have not been polled before at this election.'

Freeholder's oath, where the freehold is registered of or above twenty pounds yearly value.

' I , of , in the county of Freeholder's oath for above 20l.
 , or of the town or city of [as the case may be,] do swear, [or if a quaker, affirm,] that I am a freeholder of this county, and that I have a freehold therein of the clear yearly value of twenty pounds, or fifty pounds, (as stated in his oath of registry) above all charges payable out of the same, lying and being at
 [naming the parish or parishes, town-land or town-lands, and barony or half-barony, baronies or half-baronies, as stated in his oath of registry,] in this county, and that the said freehold does not arise from a rent-charge, and that I have not been polled before at this election.'

The rent-charger's oath.

' I , of , in the county of Rent-charger's oath-
 or of the town or city of [as the case may be,] do swear, [or if a quaker, affirm,] that I am a

freeholder of this county, and that I have a freehold therein of the clear yearly value of twenty pounds a year at the least, above all charges payable out of the same, consisting of a rent-charge granted by deed bearing date the day of _____ in the year _____, upon the lands of [naming the lands mentioned in such deed, and the barony or baronies, half-barony or half-baronies, wherein the same lie,] and that I am now in the possession thereof, or of the clear amount of twenty pounds yearly value thereof, and have been so ever since I registered the same, and am entitled to receive the same, or to the clear amount of twenty pounds yearly value thereof, [as the case may be,] as it becomes due, and that I have not been polled before at this election.'

Alteration in oath, where rent-charge comes within 15 months, by descent, &c. or other freehold, to come within nine. See 37 G. 3. c. 47. s. 4.

47. PROVIDED always, and be it enacted, That where the freehold, if arising from a rent-charge, shall have come by descent, devise, marriage, or marriage-settlement, to the person offering to vote out of the same, within fifteen months previous to the test of the writ for holding such election, or if not arising from a rent-charge, shall have so come within nine months previous to said test, the words in the freeholder's oath, 'and that I have been in the actual occupation thereof for six successive months at the least, between the day on which I registered the same and the _____ day of _____, by residing thereon, or tilling or grazing to the amount of forty shillings yearly value thereof,' and the words in the rent-charger's oath, 'and have been so ever since I registered the same,' shall be omitted respectively, and the words following shall be added to every such oath respectively, 'and that the said freehold came to me on the _____ day of _____ by descent, or devise, from

[naming the person from whom it descended, or by whom it was devised,] or by my marriage, or marriage-settlement with _____, on the _____ day of _____, [naming the person and date;] and that the blank for the parish or parishes, barony or baronies, half-barony or half-baronies, in the said oaths or affirmations, shall, in every such case, be filled up by the names which the person so offering to vote shall, at the time, desire to insert therein, and that 'forty shillings,' 'twenty pounds,' or 'fifty pounds,' shall be inserted in the freeholder's oath, according to the desire of such person offering to vote.

Freeholder to swear he is 21, if required.

48. AND be it further enacted, That if any candidate or elector shall desire it, the words following shall be added to any of the oaths aforesaid, 'and that I am, to the best of my belief, of the age of twenty-one years.'

Freeholders under 20s. to swear they reside, till, or graze, to amount of 40s.

49. PROVIDED always, and be it further enacted, That where the freehold shall be registered under the yearly value of twenty pounds, and the words, 'and that I am in the actual occupation thereof, by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof,' shall be admitted in the oath or affirmation of the person registering the same, pursuant to the provisions aforesaid, the words in the foregoing oath, 'and that I have been in the actual occupation thereof for six succes-

sive months at the least, between the day on which I registered the same and the day of , by residing thereon, or tilling or grazing to the amount of forty shillings yearly value thereof, shall be omitted :

50. PROVIDED also, That the said words shall also be omitted in the said oath, when it shall be tendered to any person who shall have inserted in his affidavit of registry, made pursuant to the provisions of this act, that he registered the said freehold on the day of

When said words may be omitted.

51. AND be it further enacted, That no public or parliamentary tax, county, church or parish cess or rate, or any cess on any town-land, or division of any parish or barony, shall be deemed any charge payable out of any freehold estate within the meaning of this act, or any of the foregoing oaths or affirmations.

No tax, cess, &c. shall be deemed a charge, &c.

52. AND be it further enacted, That every person who shall offer to vote by virtue of a freehold, not consisting of a rent-charge under the yearly value of twenty pounds, shall, before he be permitted to poll, declare, if required by the sheriff or any elector, upon oath, the name of the person or persons under whom he holds his freehold, if he holds it under any person or persons, and shall also, if such freehold be situate in a town corporate, declare the street, or part of the city or town in which the same is situate, and who are his next resident neighbours in such street, or part of the said city or town, and the said declarations, in all such cases, shall be entered in the poll-book taken by the sheriffs, or their deputies, at such elections.

Freeholders under 20l. to declare as herein, if required :

to be entered in poll-book.

53. AND be it further enacted, That if any person shall poll at any election by virtue of a freehold which he had registered, and of which he shall not be in possession at the time of his polling, he shall (if thereof convicted) be imprisoned in the common gaol of the county for the space of six months.

Person voting from freehold registered, and not in possession, imprisoned six months.

54. AND be it further enacted, That if any person, not being a registered freeholder, shall take upon him the name of a freeholder entered upon the registry, or pretend to be the person so registered, and shall be convicted thereof, he shall be sentenced to stand in the pillory on three successive market-days, in the town where such election has been held, and be imprisoned in the common gaol of the county where he shall have been so convicted for the space of six months.

Punishment for assuming registered freeholder's name, &c.

55. AND be it further enacted, That every resident inhabitant, claiming a right to vote as being an inhabitant of a borough where the right of voting is in the inhabitants, or in the inhabitants and others, shall, at some quarter-sessions or adjournment thereof, be registered in the following manner, that is to say, every such inhabitant shall, in open court, before the justices of the peace, at the quarter-sessions of the county wherein such borough lieth, or at some adjournment thereof, take the following oath, or if a quaker, make the following affirmation :

Mode for inhabitant of borough to register where right of voting is in the inhabitants. See section 63 post

'I, A. B. do swear, [or if a quaker, do affirm,] that I am a resident inhabitant of , and householder in

Oath.

the borough of _____, in the county of _____, and that my house is situated in _____, [here naming the street, lane, alley, row, or place,] and that my neighbours are _____ and _____, and that I have resided in said house for six calendar months last past, and that I am not an inmate or lodger with any other person in said borough, but am really and truly a resident inhabitant of, and housekeeper in the said borough, and am answerable for payment of the usual customary taxes and cesses in said borough, as a resident householder therein, which shall or may be legally demanded of me, and that my said house, exclusive of my land annexed to, or let with it, except the ground whereon my house (with its offices and back or other yard) stand, is, to the best of my knowledge and belief, worth the sum of five pounds yearly, and that I believe the same may be let for said sum of five pounds yearly, to a responsible tenant, and that I am, to the best of my knowledge and belief, of the age of twenty-one years and upwards.

‘So help me God.’ Which oath or affirmation shall be taken by every such inhabitant, in all cases in which he is, or shall be, required to register his residence.

Forms to be observed by inhabitant of borough registering his residence.

56. AND be it further enacted, That when any inhabitant of such borough shall desire to have his residence registered, he shall swear or affirm the aforesaid affidavit or affirmation, which, when duly sworn or affirmed, shall be read aloud in open court, and the person so registering shall sign the same, or affix his mark thereto, before two witnesses, who shall also sign the same, and if taken and signed as aforesaid, the court shall deliver it to the acting clerk of the peace, who shall immediately affix the paper containing the said affidavit or affirmation in a book to be by him kept for that purpose, and for no other, in its order, that is to say, immediately after the affidavit or affirmation last mentioned, and then the court shall sign it and date, it according to the date of the month of the year.

Names of inhabitants to be inserted alphabetically in clerk's book in manner herein.

57. AND be it further enacted, by the authority aforesaid, That although the affidavits be inserted in the said book in their order as to the time in which they were made, the names of the persons making the same shall be alphabetically arranged in an index at the end of the same book, and the page where the affidavit of the said inhabitant may be found; and that such inhabitants' names shall be so entered immediately after the corresponding affidavit or affirmation shall have been entered as aforesaid in the registry book, without the intervention of any other business whatsoever, for the inserting of which affidavit or affirmation, entry, or registry, and indexing the same, the sum of sixpence, and no more, shall be paid by such inhabitant to the acting clerk of the peace at the time of such registering, if he shall demand the same, and no more.

Sixpence fee to clerk of peace.

Each entry deemed a record of the county;

58. AND be it further enacted, by the authority aforesaid, That the said book shall be kept by the clerk of the peace amongst the records of the county, and that each entry shall be deemed a record of the county, and that the said clerk of

the peace be required to preserve the said book, without addition or alteration, from one court of quarter-sessions to another, neither writing in the same himself, nor permitting any other person to write therein, but that the same shall nevertheless be open to the inspection of any registered inhabitant of such borough, at any time between the hours of twelve and two o'clock in the day time, when such inhabitant shall require it, upon his giving twenty-four hours notice, except only on Sundays and the greater feasts, he paying for the same one shilling, and no more, for every time he shall inspect the same, and being debarred the use of both pen and ink during the whole of that time, and that if any person having or claiming to have a vote in the same borough, shall require of the clerk of the peace to furnish him with a copy of the said registry book, or any part thereof, the said clerk of the peace shall write, or cause to be written, a true copy of the same, and within a reasonable time furnish the said voter therewith, charging him for the same at the rate of two-pence for every four inhabitants so registered, contained in said copy, including the index; and that if any person having, or claiming to have, a vote in such borough, shall require from the clerk of the peace a copy of the index, or any part thereof, the said clerk of the peace shall furnish him therewith within eight days after, charging him for the same at the rate of one penny for every ten names of inhabitants contained in the said copy.

59. AND be it further enacted, That the acting clerk of the peace, on the last day of every quarter-sessions, do and shall insert a true copy of such entry or registry, or entries or registries, as he shall have made during the course of the said quarter sessions, together with an index to the same, in a book exactly similar to his own, to be kept by the churchwardens of the parish or parishes wherein the said borough lies, or by one of them, and by them, or one of them, to be carried to every such quarter-sessions, and there intrusted to the acting clerk of the peace for that purpose, on the last day of each quarter-sessions, and at no other time; and that the churchwardens shall preserve the said book, without alteration, from one quarter-sessions to another, not writing in it himself or themselves, nor permitting any other person to write therein, except the clerk of the peace as aforesaid.

60. AND be it further enacted, That if any candidate or elector shall desire it, every person offering to vote at any election shall, before he be admitted to vote, take the oath following:

'I, A. B. do swear, [or being of the people called quakers, I, A. B. do solemnly affirm,] I have not received, or had myself, or any person whatsoever in trust for me, or for my use and benefit, or for the use and benefit of any of my family or kindred, to my knowledge or belief, directly or indirectly, any sum or sums of money, office, place, or employment, gift, or reward, or any promise or security for any money, office, or employment, in order to give my vote at this election.'

Book not to be altered nor written in by clerk of the peace or other person between sessions; book to be open to registered inhabitants at times herein, on 24 hours notice; One shilling fee; pen and ink not allowed during inspection; clerk of peace, if required, must furnish copy of registry-book;

fee for copying, as likewise copy of index;

fee for copying index,

Similar book to be made out for churchwardens of parish where borough lies by clerk of peace;

church wardens not to suffer registry book to be altered or written in between quarter-sessions, except by said clerk of peace. Oath to be taken by voters on candidate or elector requiring it.

Oath.

At quarter-sessions after 1st of August, in every year, for any county wherein borough is situated, where right of voting is vested with inhabitants, justices may adjourn same as herein.

61. AND be it further enacted, for the greater convenience of persons by the said act required to register, That from and after the passing of this act, at every quarter-sessions to be held next after first day of August in every year, and for any county wherein there is situated any borough, or part of any borough, where the right of voting is vested in the inhabitants in general, or in the inhabitants and others, that the justices holding such quarter-sessions are hereby required and directed to make an adjournment of the same, on some convenient day, within three weeks from the holding of such sessions, to such borough as aforesaid, for the purpose of there registering the names of persons who shall desire to be registered, as claiming a right to vote in such boroughs, and that such adjournment shall be held accordingly, in some convenient place, for the purpose aforesaid.

Sheriff to require clerk of peace to deliver registry-book to church-wardens as soon as he receives the writ for such borough. Church-wardens, with said book and duplicate, to attend returning officer, unless as herein.

62. AND be it further enacted, That the sheriff of the county in which such borough shall be, shall, at all times, upon receiving a writ for the election of a member or members to serve in parliament for such borough, require of the clerk of the peace that he do deliver to the churchwardens, or one of them, of the parish or parishes wherein said borough lies, his said book so by him kept as aforesaid; and that the said churchwardens, with the said book and the duplicate thereof in their possession kept, shall attend on the returning officer in said borough, in the court where the poll shall be taken, throughout the whole of every election of members to serve in parliament for said borough, unless one of them shall, by any elector, be required to attend in a deputy's court, with his respective book of registry before mentioned, which requisition he is hereby required to comply with, to be freely inspected in their hands, during the election, by any person concerned therein.

Registry-book to be inspected during election.

Voter in right of being an inhabitant only to be registered as above, 12 months before election,

63. AND be it further enacted, by the authority aforesaid, That no person whatsoever claiming to vote in right of being an inhabitant only, shall vote for any member or members to serve in parliament, where a right of voting is vested in the inhabitants in general, or inhabitants and others, who shall not appear to have been first registered in said books, or one of them, in the manner above prescribed, twelve calendar months at least before the time of holding such election, except in the case herein after particularly excepted, which being found upon inspection of the returning officer, or his deputy, the returning officer or his deputy shall, then, and not before, if thereto required by any electors, administer to such person the oath, or affirmation following, that is to say,

except as hereafter mentioned.

Oath.

'I A. B. do swear [or if a quaker, do affirm] that I am a resident inhabitant in the borough of _____, in the county of _____, and that I have been so for these twelve months last past, and duly proved and registered my residence twelve calendar months before the present vacancy, and that my house is situated in _____, and that my next neighbours

are , and that I am not an inmate or lodger with any other person in said borough, nor have I been so at any time within these twelve months last past, but have paid the usual and customary taxes and cesses in said borough, as an householder, which have been legally demanded of me, and that I did not divide my house or outhouses, or suffer my house or outhouses to be divided, in order to multiply votes at this election, and that I did not come to reside in said borough since the present vacancy happened, nor in order to give my vote at this election; and that my said house, exclusive of my land annexed to, or let with it, except that whereon it stands, with its offices and back and other yard, is, to the best of my knowledge and belief, worth the sum of five pounds yearly rent, and that I believe the same may be let for said sum of five pounds yearly, to a responsible tenant.

‘ So help me God.’

And if any candidate or any person having a right to vote at such election shall require it, these words shall be added to said oath, *videlicet*, ‘ and that I am of the age of twenty-one years, as I verily believe.’ Which oath or affirmation the seneschal or returning officer of such borough, or his or their deputy or deputies appointed as aforesaid, is, and are hereby empowered and directed to administer to such voter, at the request of any elector, and on such voter so taking the said oath, or if a quaker, the said affirmation, then, and not before, such seneschal, or returning officer, shall admit such votes; and said oath, or affirmation, if a quaker, shall be absolutely final and conclusive evidence to said seneschal, or returning officer of such borough, or his deputy, that the person so taking said oath, or making said affirmation, is qualified to vote at such election, and no such voter shall be liable to any further scrutiny or examination whatsoever, before such seneschal, or returning officer, or his deputy, at such election:

Addition to oath, if required.

Seneschal, or returning officer to administer said oath;

oath conclusive evidence of qualification;

64. PROVIDED always, That in all and every such borough or boroughs in this kingdom, where the right of voting is vested in the inhabitants in general, or inhabitants and others, which are situated in two different counties, every inhabitant of such borough qualified to vote at elections for any member or members to serve in parliament for such borough, may, if he thinks proper, in the oath or affirmation required by the said act to be by him taken at the time of his being registered, and likewise in the oath or affirmation which he may be called upon to take pursuant to said act, at any election for a member or members to serve in parliament for such borough, instead of the words, ‘ resident inhabitant of the borough of _____ in the county of _____,’ substitute the words, ‘ resident inhabitant of that part of the borough of _____ which lieth in the county of _____.’

Alteration in oath where borough situated in two different counties.

65. AND be it enacted by the authority aforesaid, That if any such inhabitant of such borough shall find that the acting clerk of the peace has wilfully or negligently acted in disobedience hereto, by not registering his residence in

Inhabitants may recover 20s. from clerk of peace for every neglect or disobedience as herein.

the manner hereby directed, having been thereunto duly required, and by not giving to the churchwardens of said borough a copy of the registry-book, in the manner and at the time herein-before mentioned, or by erasing, tearing out, or designedly making the same or any part thereof illegible, or designedly, or through neglect, suffering any person to do so, the said inhabitant shall be entitled to recover from the said acting clerk of the peace, by civil bill, the sum of twenty pounds for every such offence, process being served twelve days inclusive before the first day of the assizes.

process to be served 12 days inclusive, before first day of assizes.

66. AND in order that the said inhabitant or inhabitants may the more easily recover the aforesaid sum or sums, in the manner hereinbefore mentioned, be it enacted, by the authority aforesaid, That the said acting clerk of the peace, upon the receipt of sixpence as aforesaid, shall deliver to the inhabitants a certificate signed by the court, and countersigned by himself, who are hereby required to sign the same, of his having been duly registered on that day, which certificate, although no part of the registry, shall, when proved, be sufficient evidence upon any civil bill brought for the penalty aforesaid.

Clerk of peace being paid 6d. to deliver certificate as herein.

Certificates, when proved, sufficient evidence where R. book is lost or defaced, &c.

67. AND be it enacted, That if the registry-book to be kept by the clerk of the peace, and the copy thereof to be kept by the churchwardens, shall both be proved upon oath, before the returning officer of the said borough, who is hereby authorized to administer the same, to have been lost, destroyed, or withheld, or so defaced that the affidavits shall be illegible, either previous to, or during the election, in such case, any of the said certificates, when proved, shall be sufficient evidence upon the election, that the inhabitant producing the same has been duly registered.

Clerk of peace, churchwardens, or others, stealing, destroying, or altering R. book to be imprisoned three years;

68. AND be it enacted by the authority aforesaid, That if any person, not excepting the clerk of the peace and the churchwardens, shall steal, or destroy, or maliciously alter said registry-books, or either of them, whether in the body of the said books or their index, or negligently or wilfully suffer the same to be done, the person who shall be convicted of so offending, shall suffer three years imprisonment; and lest any doubts should arise at the election, with respect to voters, and in order the better to prevent perjury and occasional votes, be it hereby declared, by the authority aforesaid, to be the true intent and meaning of this act, That no person whatsoever shall be suffered to vote at any such election in right of being an inhabitant, without having been first registered as aforesaid twelve calendar months at the least before the test of the writ for holding such election, but that the returning officer or his deputy, is hereby required to refuse such vote, any thing in this or any other act of parliament to the contrary notwithstanding.

no inhabitant to vote except registered 12 months before test of writ;

returning officer to refuse such.

69. AND whereas churchwardens of such parishes to whom such books shall be delivered, may refuse to deliver over one of such books so delivered to them, to the clerks

of the peace, after the holding of elections, and may refuse to deliver over the other of said books to their successors in the office of churchwardens, after the expiration of the time of their holding said office; be it therefore enacted, by the authority aforesaid, That such person or persons in the office of churchwarden, as shall receive such registry-book from the clerk of the peace upon the holding of any election, shall return and deliver over the same to the said clerk of the peace or his order, immediately upon being thereunto required; and that such person or persons in the office of churchwarden, who shall have the other of the said books in his or their possession at the time of the expiration of his said office, shall deliver over the same to the person or persons who shall succeed him in the office, immediately upon being thereunto required by such successor or successors, or within ten days after the expiration of his said office of churchwarden, if not thereunto sooner required.

C. warden to deliver R book to clerk of peace on being required;

to deliver the other R. book to successor within 10 days after expiration of office.

70. AND be it further enacted, by the authority aforesaid, That if any person shall, from and after the passing of this act, unlawfully detain, or refuse to deliver up said books, or either of them, in manner and at the times herein directed, such person so offending shall forfeit the sum of ten pounds sterling for every day he shall so unlawfully detain the same, to be recovered by civil bill, before the judges of assize in any county where such offence shall be committed, and shall also, upon conviction of such offence before the judges of assize in any county where such offence shall be committed, suffer one month's imprisonment for every day he shall so unlawfully detain the same.

Refusing to give, or detaining R. books, penalty 10*l*. and one month's imprisonment for every day; . .

71. AND be it further enacted, by the authority aforesaid, That the churchwardens in such parishes as aforesaid, from and after the passing of this act, in case of any neglect or refusal to comply with the several matters and things required of them by said first-mentioned act, shall forfeit, for every such offence, the sum of one hundred pounds sterling, to be recovered by any person who shall sue for the same in any of his majesty's courts of record.

100*l*. penalty on churchwarden refusing to comply with regulations of first-mentioned acts.

72. AND be it further enacted, by the authority aforesaid, That all and every person and persons who shall falsely and wilfully swear or affirm, contrary to the true intent and meaning of this act, being thereof indicted and convicted, shall suffer such pains, penalties, and disabilities, as persons convicted of wilful and corrupt perjury ought by law to suffer, and that any person claiming to be a voter as an inhabitant of such borough, who shall be guilty of perjury in registering his inhabitancy and right of voting, or pretended right in such borough, without being really and *bonâ fide* a resident inhabitant thereof, according to the form of the oath aforesaid prescribed, and shall be thereof convicted and condemned, and suffer the pains and penalties aforesaid, shall for ever be incapable of giving any vote at any election of a member to serve in parliament.

Persons convicted of perjury to suffer penalties of persons convicted of wilful and corrupt perjury;

perjurer incapacitated to vote at any election.

73. And be it further enacted, That any mayor, bailiff,

the manner hereby directed, having been thereunto duly required, and by not giving to the churchwardens of said borough a copy of the registry-book, in the manner and at the time herein-before mentioned, or by erasing, tearing out, or designedly making the same or any part thereof illegible, or designedly, or through neglect, suffering any person to do so, the said inhabitant shall be entitled to recover from the said acting clerk of the peace, by civil bill, the sum of twenty pounds for every such offence, process being served twelve days inclusive before the first day of the assizes.

process to be served 12 days inclusive, before first day of assizes.

66. AND in order that the said inhabitant or inhabitants may the more easily recover the aforesaid sum or sums, in the manner hereinbefore mentioned, be it enacted, by the authority aforesaid, That the said acting clerk of the peace, upon the receipt of sixpence as aforesaid, shall deliver to the inhabitants a certificate signed by the court, and countersigned by himself, who are hereby required to sign the same, of his having been duly registered on that day, which certificate, although no part of the registry, shall, when proved, be sufficient evidence upon any civil bill brought for the penalty aforesaid.

Clerk of peace being paid 6d. to deliver certificate as herein.

Certificates, when proved, sufficient evidence where R. book is lost or defaced, &c.

67. AND be it enacted, That if the registry-book to be kept by the clerk of the peace, and the copy thereof to be kept by the churchwardens, shall both be proved upon oath, before the returning officer of the said borough, who is hereby authorized to administer the same, to have been lost, destroyed, or withheld, or so defaced that the affidavits shall be illegible, either previous to, or during the election, in such case, any of the said certificates, when proved, shall be sufficient evidence upon the election, that the inhabitant producing the same has been duly registered.

Clerk of peace, churchwardens, or others, stealing, destroying, or altering R. book to be imprisoned three years;

68. AND be it enacted by the authority aforesaid, That if any person, not excepting the clerk of the peace and the churchwardens, shall steal, or destroy, or maliciously alter said registry-books, or either of them, whether in the body of the said books or their index, or negligently or wilfully suffer the same to be done, the person who shall be convicted of so offending, shall suffer three years imprisonment; and lest any doubts should arise at the election, with respect to voters, and in order the better to prevent perjury and occasional votes, be it hereby declared, by the authority aforesaid, to be the true intent and meaning of this act, That no person whatsoever shall be suffered to vote at any such election in right of being an inhabitant, without having been first registered as aforesaid twelve calendar months at the least before the test of the writ for holding such election, but that the returning officer or his deputy, is hereby required to refuse such vote, any thing in this or any other act of parliament to the contrary notwithstanding.

no inhabitant to vote except registered 12 months before test of writ;

returning officer to refuse such.

69. AND whereas churchwardens of such parishes to whom such books shall be delivered, may refuse to deliver over one of such books so delivered to them, to the clerks

of the peace, after the holding of elections, and may refuse to deliver over the other of said books to their successors in the office of churchwardens, after the expiration of the time of their holding said office; be it therefore enacted, by the authority aforesaid, That such person or persons in the office of churchwarden, as shall receive such registry-book from the clerk of the peace upon the holding of any election, shall return and deliver over the same to the said clerk of the peace or his order, immediately upon being thereunto required; and that such person or persons in the office of churchwarden, who shall have the other of the said books in his or their possession at the time of the expiration of his said office, shall deliver over the same to the person or persons who shall succeed him in the office, immediately upon being thereunto required by such successor or successors, or within ten days after the expiration of his said office of churchwarden, if not thereunto sooner required.

C. warden to deliver R. book to clerk of peace on being required;

to deliver the other R. book to successor within 10 days after expiration of office.

70. AND be it further enacted, by the authority aforesaid, That if any person shall, from and after the passing of this act, unlawfully detain, or refuse to deliver up said books, or either of them, in manner and at the times herein directed, such person so offending shall forfeit the sum of ten pounds sterling for every day he shall so unlawfully detain the same, to be recovered by civil bill, before the judges of assize in any county where such offence shall be committed, and shall also, upon conviction of such offence before the judges of assize in any county where such offence shall be committed, suffer one month's imprisonment for every day he shall so unlawfully detain the same.

Refusing to give or detain R. books, penalty 10*l*. and one month's imprisonment for every day; . .

71. AND be it further enacted, by the authority aforesaid, That the churchwardens in such parishes as aforesaid, from and after the passing of this act, in case of any neglect or refusal to comply with the several matters and things required of them by said first-mentioned act, shall forfeit, for every such offence, the sum of one hundred pounds sterling, to be recovered by any person who shall sue for the same in any of his majesty's courts of record.

100*l*. penalty on churchwarden refusing to comply with regulations of first-mentioned acts.

72. AND be it further enacted, by the authority aforesaid, That all and every person and persons who shall falsely and wilfully swear or affirm, contrary to the true intent and meaning of this act, being thereof indicted and convicted, shall suffer such pains, penalties, and disabilities, as persons convicted of wilful and corrupt perjury ought by law to suffer, and that any person claiming to be a voter as an inhabitant of such borough, who shall be guilty of perjury in registering his inhabitancy and right of voting, or pretended right in such borough, without being really and *bona fide* a resident inhabitant thereof, according to the form of the oath aforesaid prescribed, and shall be thereof convicted and condemned, and suffer the pains and penalties aforesaid, shall for ever be incapable of giving any vote at any election of a member to serve in parliament.

Persons convicted of perjury to suffer penalties of persons convicted of wilful and corrupt perjury;

perjurer incapacitated to vote at any election.

73. And be it further enacted, That any mayor, bailiff,

Officers of corporations to admit candidate, &c. at times herein to inspect the books.

and to take copies, fee 2s 6d.

if, after fee paid, mayor or officer refuse inspection, penalty 50s.

Sheriff, returning officer, &c. swearing falsely, guilty of perjury;

on conviction, liable to penalties of perjury.

Pecuniary penalties recovered, with full costs;

what sufficient for plaintiff to set forth;

what sufficient on an indictment for any offence;

plaintiff, &c. not obliged to prove the writ of summons, &c.

town-clerk, or other officer of any corporation, having a right to return members to parliament, shall, upon the demand of any candidate for such corporation, on payment of two shillings and sixpence, permit such candidate, agent, or freeman, between the hours of twelve at noon and three in the afternoon, at any time before, and within one month after any such election of members to serve in parliament, to inspect the books and papers, wherein the admission of freemen shall be entered, and to have copies or minutes of the admission of so many freemen as such candidate, agent, or freemen shall think fit, upon payment to such mayor, or other officer, of two shillings and sixpence for every such admission, and such books and papers shall, if demanded by such candidate, or his agent, or freeman, be produced by such mayor or other officer; and if such mayor or other officer shall refuse or deny such candidate, agent, or freeman, the inspection of such books and papers, at any election, if demanded, and paid for in the manner hereinbefore set forth, such mayor or other officer shall, for every such offence, forfeit the sum of fifty pounds to him, her, or them, who shall inform and sue for the same, to be recovered in manner hereinafter mentioned.

74. AND be it further enacted, That if any person, sheriff, or other returning officer, his or their deputy or deputies, who shall take any oath or affirmation in pursuance of this act, or shall wilfully swear or affirm falsely therein, he shall be guilty of wilful and corrupt perjury, or false affirming, and shall and may be prosecuted for the same, by indictment or otherwise, as perjury, in a court of record, may now be prosecuted, and being thereof convicted, he shall incur and suffer the pains and penalties which by law are or may be inflicted in cases of wilful or corrupt perjury.

75. AND be it further enacted, That all pecuniary penalties inflicted by this act, shall be recovered, with full costs, by action of debt, bill, plaint or information, in any of his majesty's courts of record at Dublin; and that it shall be sufficient for the plaintiff in any such action of debt or information, to set forth in the declaration, that the defendant is indebted to him in the sum of five hundred pounds, and to allege the particular offence for which such action or information is brought, and that the defendant hath therein acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and that it shall be sufficient, in any indictment for any offence contrary to this act, to allege the particular offence, and that the defendant is guilty, without mentioning the writ of summons to parliament, or the return thereof; and that upon trial of any issue in any such action, information, or indictment, the plaintiff, informer, or prosecutor, shall not be obliged to prove the writ of summons to parliament, of the return thereof, or any warrant to the sheriff, grounded upon such writ of summons.

76. AND be it further enacted, That in case the plaintiff or informer, in any action or information given by this act, shall discontinue or be nonsuited, or judgment shall be given against him, the defendant shall recover treble costs.

Treble costs in nonsuit.

77. AND be it further enacted, by the authority aforesaid, That if any person, except a returning officer, clerk of the peace, or treasurer, offending against this act, shall, within the space of twelve calendar months next after such offence committed, discover any other person or persons guilty of a like offence, so that such person or persons be thereupon convicted, such person so discovering, shall be indemnified or exempted, and saved harmless from all penalties and disabilities which he shall have incurred by any such offence :

Any person, except returning officer, clerk of peace, or treasurer, offending against this act, and informing within 12 months against any other person guilty of like offence, exempted from penalties.

78. PROVIDED always, That every action, information, indictment, or prosecution, grounded upon this act, be commenced within one year after the offence shall be committed.

Action, &c. to be commenced within one year after offence.

79. PROVIDED always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to prevent any person from voting at any election for a member or members to serve in parliament, the test for holding which shall bear date before the first day of January, one thousand seven hundred and ninety seven ; but every person who might, by the laws in force before the passing of this act, vote at any such election, shall and may vote thereat, as fully and freely, to all intents and purposes, as if this act had not been made, subject to all and singular the clauses, conditions, oaths, and regulations prescribed in the said laws ; and every returning officer and deputy shall have the like powers with respect to any such person polling, as if this act had not been made.

Not to prevent voting at an election, the test for holding which shall bear date before the 1st Jan. 1797.

persons entitled to vote at such, before this act, may vote subject to the regulations of former acts.

80. PROVIDED always, That at every such election the words following shall be added to the oath required by the laws in force to be taken before the passing of this act, by any registered freeholder not being an annuitant, before he shall be admitted to vote, either, ' That the said freehold is of the yearly value of twenty pounds above all charges payable out of the same, [or that] I have been in the actual occupation of the said freehold for six successive months at the least, between the day on which I registered the same, and the day of , [naming the day of the test of the writ for holding the election,] by residing thereon, or by tilling or grazing to the amount of forty shillings yearly value thereof ;' or the words which are allowed to be substituted in their place by the provisions of this act, in the oath herein prescribed, as the case may be, if any elector shall desire that one or other of the said form of words shall be added.

Addition to oath by former acts, to be taken by freeholder not being an annuitant.

81. AND be it further enacted, That no person hereafter shall be capable of being elected a member to serve in this or any future parliament, who is not of the age of one-and-twenty years ; and if any such minor hereafter chosen, shall presume to sit or vote in parliament, he shall incur

Persons under 21 years of age not eligible to be elected.

penalties and forfeitures as if he had presumed to sit and vote in parliament, without being chosen or returned.

ANNO 37 GEORGII III. CAP. 47.,

An Act for the further Regulation of the Election of Members to serve in Parliament. A. D. 1797.

Recital 35
G. 3.

The following
oath shall be
taken by a 50l.
or 20l. free-
holder, not a
rent charger.

Oath.

See 35 G. 3.
c. 29. s. 36.

50l. or 20l.
freeholds not
deemed undu-
ly registered
on account of
the omission
of the words
herein recited.

50l. or 20l.
freeholders,
who have set
or agreed to
set such free-
holds, as here-
in, shall not

WHEREAS an act passed in the thirty-fifth year of his present Majesty's reign, intituled, 'An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned;' and it is necessary to explain and amend the same; Be it enacted, &c. That when any person seised of a freehold, not consisting of a rent-charge, shall desire to register it, as being of the value of fifty pounds, or twenty pounds, the following oath may be taken by him, instead of the oath prescribed by the said act, that is to say:

'I, of _____, in the county of _____, or of the town or city of _____, [as the case may be,] do swear, [or if a quaker, do affirm,] that I am a freeholder of _____, and that I have a freehold therein, arising from a house or houses, and land, or both, or other hereditaments, [as the case may be,] of the clear yearly value of twenty pounds, or fifty pounds, [as the case may be,] above all charges payable out of the same, lying and being at _____, [naming the parish or parishes, or the town-land or town-lands, and barony or half-baronies, wherein it is situated, which words, 'town-land, or town-lands, barony or baronies of _____,' need not be named, if the freehold be in the county of a town or city,] in this county, and that the said freehold does not arise from a rent-charge, nor have I procured it fraudulently, nor has it been granted fraudulently to me, or in exchange for a freehold in any other county, any thing in the said act contained to the contrary notwithstanding; and that no freehold of fifty pounds, or twenty pounds a-year, registered since the passing of the said act, shall be deemed to be unduly or not properly registered, on account of the omission in the oath or affirmation taken or made in order to register the same, of all or any of the following words, that is to say, 'and that I am in the actual occupation thereof, by residing thereon, or by tilling or grazing, to the amount at least of forty shillings yearly value thereof, and that the said freehold is not set, or agreed to be set, nor do I intend to set the same to the person or persons from whom I hold it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, and that I have not agreed to set it for the term for which I hold it.'

2. AND be it enacted, That no person having a freehold of the yearly value of fifty pounds, or twenty pounds, who shall have set, or agreed to set the same to the person or persons from whom he holds it, or to the heirs or assigns of such person or persons, or to any one in trust for him,

her, or them, or who has set, or agreed to set the same, the whole of the same, or more thereof than shall leave a sufficiency to constitute such freehold for the term for which he holds it, shall be permitted to vote at any election, by virtue of the said freehold, unless he shall have registered the same according to the provisions of the said recited act, or this present act, one whole year, at the least, previous to the test of the writ for holding such election.

3. AND be it further enacted, That every person who shall offer to vote by virtue of a freehold of the value of twenty pounds, or fifty pounds, shall, before he shall be admitted to poll at any election, declare on oath, if required, whether he has so set or agreed to set such his freehold, and if he shall declare he hath so set or agreed to set the whole of the same, or more thereof than shall leave a sufficiency so unset for such term to constitute such freehold, he shall also declare in like manner the time when such agreement was made, and such freeholder shall not be permitted to vote at such election by virtue of such freehold, unless it shall appear that such agreement was made and entered into one whole year previous to the test of the writ for holding such election.

4. AND be it further enacted, That no person shall be admitted to vote by virtue of a freehold, which shall have come to him by descent, devise, marriage, or marriage-settlement, unless he shall have duly registered the same at some session of the peace, or adjournment thereof, held prior to the test of the writ in the county, town, or city where such election shall be held, in manner and form by the said recited act, or this present act required, if it consists of a rent-charge, one year previous to the test of the writ for holding the election at which he shall offer to vote, or six months previous to such test, if it does not consist of a rent-charge.

5. AND be it further enacted, That in the oath to be taken at any election, by any freeholder who shall offer to vote by virtue of a freehold, registered under the yearly value of twenty pounds, the words 'by residing thereon,' or the words, 'by tilling or grazing to the amount of forty shillings yearly value thereof,' shall respectively be inserted, according as they shall have been inserted in the oath taken, or affirmation made, for the registering thereof.

6. AND be it further enacted, That if any clerk of the peace for any county, county of a city, or county of a town, shall omit or neglect to deliver in court to the sheriff, previous to the commencement of the poll, the books of registry which by the said act he is required to attend with and so deliver, or shall omit to make oath respecting the same in manner required by the said act, such clerk of the peace shall forfeit, for every book so omitted to be delivered, the sum of five hundred pounds, half of which shall be to the use of such person as shall sue for it, and the other half to such use as the grand jury thereof shall, at any subsequent assizes, direct.

vote unless they are registered under this or recited act, one year before election.

What shall be sworn by 20*l*. or 50*l*. freeholders before they poll, if required.

Freeholders by descent, devise, or marriage, shall register before test of writ;

1 year if a rent-charge, 6 months, if not a rent-charge.

Words to be inserted in a freeholder's oath, under 20*l*. at time of voting.

500*l*. penalty on clerk of peace for every poll-book which he neglects to deliver to sheriff on oath previous to the poll: one moiety to informer, the other to grand jury.

20*l.* penalty
for taking
more than 1*l.*
for providing
an affidavit
and certificate
of registry.

7. AND be it enacted, That there shall be allowed to every acting clerk of the peace, for providing and preparing an affidavit and certificate of registry if required so to do, the sum of one shilling and no more; and that any clerk of the peace, attorney, or other person whatever, who shall demand, receive, or take, on any pretence whatsoever, for providing and preparing any such affidavit and certificate, more than the above sum of one shilling, shall, for every such offence, forfeit the sum of twenty pounds, to any person who shall sue for the same, to be sued for and recovered, in like manner as any of the penalties in said recited act is suable for and recoverable.

Freeholders
on actual ser-
vice in army
or militia, may
register where
they are quar-
tered, in man-
ner herein di-
rected:

8. AND be it enacted, That if any person seized of a freehold, whether consisting of a rent-charge or not, shall be on actual service, either in the army or militia, out of the county, town, or city where such freehold lies, and shall take and subscribe the oath or affirmation required by said recited act, or this present act, to be by him taken for registering such freehold, at any sessions of the peace, or adjournment thereof, held in the county, town, or city in which he shall be quartered or stationed, stating therein the regiment, battalion, troop, or company [as the case may be] to which he belongs, such affidavit shall be subscribed by two of the justices of the peace presiding thereat, and countersigned by the clerk of the peace for such county, town, or city, who shall certify that the corps in which he serves is quartered or stationed therein, and such oath or affirmation so subscribed and countersigned, may be produced at any session of the peace, or adjournment thereof, or at any adjournment of an adjournment, held in the county, town, or city in which such freehold lies, and when read aloud therein in open court, shall be signed by two of the justices of the peace presiding there, and shall be delivered to the acting clerk of the peace, to be filed and kept amongst the records of the county, and every such oath or affirmation so taken, shall be of equal effect for registering such freehold, as if it had been made at the sessions of the peace for the county in which such freehold is situated, provided such affidavit shall have been so filed the same length of time previous to the test of the writ, as by the last act, or this present act, such freehold is required to be registered, in order to entitle such person to vote.

such affidavits
to be filed
same length of
time as by last
or present act
required, pre-
vious to test of
writ.
What shall be
deemed a mar-
ket-town.

9. AND to prevent doubts about the validity of sessions for registering freeholds, be it declared, That any town for the holding of a market, in which his majesty's letters patent have been granted, or shall hereafter be granted, or wherein markets have been held by prescription, shall be deemed a market-town, and is a market-town within the meaning of the said recited act, whether markets are or shall be held therein or not.

All sessions
and adjourn-
ments deem-
ed valid, al-

10. AND be it enacted, That all sessions, or adjournments thereof, or adjournments of adjournments, shall be deemed good and valid within the meaning of the said

recited act, and this present act, although no sheriff or sub-sheriff shall have attended, or shall attend at such sessions, or such adjournments.

11. AND be it further enacted, That the registry of any freehold shall not be impeached on account of any irregularity in the holding or adjourning of any sessions from whence the sessions at which such freehold shall have been registered, shall have been adjourned, either directly or by any adjournment of adjournment, provided such latter session shall have been duly and regularly held in all other respects.

Registry not to be impeached for irregularity in sessions.

12. AND be it further enacted, That in case a question respecting the right of any person claiming to vote shall occur, which a deputy shall not think himself competent to determine, such deputy may send to the sheriff or sheriffs who shall preside at such election, stating his not thinking himself competent to determine such person's right of voting, in every which case such sheriff or sheriffs shall take such person's poll, and receive or reject his vote, according as he shall be qualified or not to vote at such election, either in the booth, building, or other place where he or they shall take the poll, or in the booth, building, or other place appropriated to such deputy, as he or they shall judge most expedient, any thing in the said act to the contrary notwithstanding.

Where a deputy cannot determine whether a person has a right to vote or not, he may send to the sheriff, who shall receive or reject such vote.

13. AND be it further enacted, That every returning officer and officers, and every deputy, shall have full power, and he and they are hereby authorized to administer all oaths and affirmations, allowed or required by the said recited act, or this present act, to be administered at any election for a member or members to serve in parliament, but not to any person until it shall appear that he has duly registered his freehold where such freehold is required to be registered, in order to entitle him to vote,

Returning officer and deputies may administer all oaths to persons who have registered their freeholds where required.

14. AND whereas it is enacted by the said act, That in case of an equality of voices for any two or more candidates at any election, the returning officer shall be obliged to give a casting voice; Be it enacted, That in counties of towns or cities where two sheriffs preside as returning officers, the sheriff whose name stands first in the appointment to the office shall, if he be present, give such casting voice.

Where there are two sheriffs and an equal number of votes, the senior in appointment shall have the casting voice, if present.

15. AND be it enacted and declared, That no person shall be deemed unduly or not properly registered, on account of the affidavit for such registry not being on stamped paper, or on account of such affidavit not having been read aloud in open court.

Registries not improper on account of being unstamped, or not read aloud in court.

16. AND be it enacted, That in the oath required to be taken by a rent-charger, either for the purpose of registering his freehold, or when he shall offer to poll, the words, 'granted by deed bearing date the _____ day of _____, in the year _____', may be

Words to be omitted where a rent-charge is not granted by deed.

omitted in case such rent-charge shall not have been granted by deed, and the particulars of the title of such person to such rent-charge shall be inserted in the room thereof.

By 35 G. 3, c. 29, s. 31, town-lands, baronies, &c. are to be directed named;

registry of a freehold in a county of a city, or of a town, where denominations of town-lands or baronies are not in use, shall be effectual, although town-lands, &c. are not named; nor are they to be named in the oath to be taken at election.

Oath to be taken by persons offering to vote, if required by a candidate or elector.

Papists who shall have taken and subscribed the oaths and declarations herein named, previous to test of writ, deemed to have taken oaths and declarations to entitle them to vote;

17. AND whereas in several counties of cities and counties of towns in this kingdom, the denominations of towns, lands, or baronies, are not in use: and whereas by the act of the 35th of his present majesty, [chap. 29. sect. 31.] the town-land or town-lands; and barony or half-barony, or baronies or half-baronies wherein the freehold is situated, are directed to be named in the oath for registering the same: Be it declared and enacted, That the registry of any freehold situated in any county of a city, or county of a town in which the denominations of town-lands or baronies are not in use, shall be to all intents good and effectual, although the affidavit of registry does not name any town-land or town-lands, barony or half-barony, or baronies or half-baronies, in which such freehold is situated; and that in the oath to be taken by such freeholder before the returning officer, or his deputy, at the time of election, it shall not be necessary either to name the town-land, or barony or half-barony, provided the freehold out of which such freeholder claims to vote, shall be situated in any county of a city, or county of a town, in which the denomination of town lands or baronies are not in use.

18. AND be it further enacted, That if any candidate or elector shall desire it, every person offering to vote at any election, shall, before he be admitted to vote, take the oath following:

‘I A. B. do swear, [or if a quaker, do affirm,] that I am, to the best of my belief, of the age of twenty-one years.’

Which oath or affirmation every returning officer or officers, or his or their deputy or deputies, are hereby required and empowered to administer, either by itself, or in addition to any other oath or affirmation which may be tendered to such elector.

19. AND be it enacted and declared, That any papist or person professing the Roman Catholic religion, who shall have taken and subscribed, or who shall hereafter take and subscribe, at any time previous to the test of the writ for holding the election at which such person shall offer to poll, the oaths and declarations contained in an act passed in the thirteenth and fourteenth years of his present majesty’s reign, entitled, ‘An act to enable his majesty’s subjects, of whatever persuasion, to testify their allegiance to him,’ and also an act passed in the thirty-third year of his present majesty’s reign, entitled, ‘An act for the relief of his majesty’s popish, or Roman Catholic subjects of Ireland,’ in some one of his majesty’s four courts in Dublin, or at the general sessions of the peace, or at any adjournment thereof, or at any adjournment of adjournment thereof, to be holden for the county, city, or town, wherein such papist, or person professing the Roman Catholic religion, doth inhabit and dwell, or before the going judge or judges of assize in the county wherein such papist, or person professing the Roman Catholic religion, doth inhabit and dwell, in open court, shall be deemed to have taken and subscribed such oaths and declarations

within the meaning of said last-recited act, and this present act, in order to entitle him to vote at such election: Provided always, that nothing herein contained shall extend to entitle such person to vote, unless he shall produce to the sheriff, or other returning officer, a certificate of his having taken and subscribed said oath and declaration, as by said act and this present act required.

such persons shall produce certificates to sheriffs.

20. AND be it enacted, That every election or return of any persons to serve in parliament, who shall be under the age of twenty-one years, shall be deemed null and void, and that if it shall be determined by any committee of the house of commons, who shall try any petition presented against any such election or return, that such person was under the age of twenty-one years on the day of such election, a new writ shall forthwith issue for the election of another person in his place.

Election of persons under 21 years shall be void, and new writs issued.

ANNO 39^o & 40^o GEORGII III. CAP. 67.

An Act for the Union of Great Britain and Ireland.

A. D. 1800.

ARTICLE 4.

THAT all questions touching the election of members to sit, on the part of Ireland, in the house of commons of the united kingdom, shall be heard and decided in the same manner as questions touching such elections in Great Britain now are, or at any time hereafter shall, by law, be heard and decided, subject, nevertheless, to such particular regulations in respect of Ireland, as, from local circumstances, the parliament of the united kingdom may, from time to time, deem expedient.

Questions touching the election of members to sit in the house of commons of the united kingdom on the part of Ireland, shall be decided as questions touching such elections in Great Britain. and their qualifications in respect of property, shall be the same as in England.

THAT the qualifications, in respect of property of members elected on the part of Ireland, to sit in the house of commons of the united kingdom, shall be respectively the same as are now provided by law in the cases of elections for counties, and cities, and boroughs, respectively, in that part of Great Britain called England, unless any other provision shall hereafter be made in that respect, by act of parliament of the united kingdom.

ANNO 40^o GEORGII III. CAP. 80.

An Act to explain and amend an Act passed in the Thirty-fifth Year of his present Majesty's Reign, intituled, An Act for regulating the Election of Members to serve in Parliament, and for repealing the several Acts therein mentioned; and to explain and amend an Act passed in the Thirty-seventh Year of said Reign, intituled, An Act for the further Regulation of the Election of Members to serve in Parliament.

A. D. 1800.

WHEREAS an act passed in the thirty-fifth year of his present majesty's reign, intituled, 'An act for regulating the election of members to serve in parliament, and for

Recital 33 G.3.

repealing the several acts therein mentioned :’ and whereas an act passed in the thirty-seventh year of the said reign, intituled, ‘ An act for the further regulation of members to serve in parliament,’ and it is necessary to explain and amend the same ; and whereas by said act it is required, that every freeholder of any county, registering his freehold, shall in the oath or affirmation to be by him taken for that purpose, set out the barony or half-barony wherein such freehold is situated : and whereas doubts have arisen, whether the city of Londonderry, and that part of the liberties thereof which is situate and lying on the north-west side of the river Foyle ; and also, whether the town of Coleraine, and that part of the liberties thereof which is situate and lying on the north-east side of the river Bann, in the county of Londonderry, are comprised or included in any barony or half-barony in the said county of Londonderry, or are, in themselves, respectively, baronies or half-baronies, for the purposes of registering of freeholds within the provisions of the said recited acts : and whereas doubts have likewise arisen, whether any freeholder, whose freehold is situate in the said city of Londonderry, and in the said part of the liberties thereof, or in the said town of Coleraine, and in the said part of the liberties thereof, and who has registered his freehold as being so situate, is entitled by virtue of such registry, under the provisions of the said acts, to vote at any election for a knight or knights of the shire to serve in parliament, for the said county of Londonderry ; Be it therefore enacted, &c. That, from and after the passing of this act, the said city of Londonderry, and that part of the said liberties thereof, situate and lying on the north-west side of the river Foyle and the said town of Coleraine, and that part of the said liberties thereof, situate and lying on the north-east side of the river Bann, shall be considered as separate and distinct half-baronies of the said county of Londonderry, for the purposes within the meaning of said acts, notwithstanding any law, custom, or usage to the contrary.

Recital, 37 G. 3.

Doubts as to city and parts of liberties of Londonderry, and also town and part of liberties of Coleraine ;

doubts as to registry of freeholds in said places ;

said places shall be considered as separate, half-baronies.

Sheriffs of Londonderry shall cause two separate booths to be erected, or hire two buildings, when necessary, for said places, and shall appoint a clerk and deputy for each.

2. AND be it further enacted, That the sheriffs of the said city and county of Londonderry, when they have reason to apprehend a contest, or shall be required, by any candidate at any election to be held by them, as in the said act is mentioned, shall cause to be erected two separate booths, or hire two separate buildings, one for the city of Londonderry, and said part of the said liberties thereof, and one for the town of Coleraine, and the said part of the said liberties thereof, exclusive of the several other booths or buildings required in and by the said acts to be erected or hired for the several baronies and half-baronies in and within the said county ; and in every other respect, with regard to the said city, and said part of said liberties and said town, and said part of said liberties respectively, shall pursue the same rules and regulations as are prescribed thereby for baronies or half-baronies, and shall appoint a clerk and deputy for said city, and said part of the said

liberties thereof, and for the said town, and the said part of the said liberties thereof, respectively, in the like manner as in and by said acts is directed respecting the several baronies or half-baronies therein mentioned.

3. AND be it further enacted, That on every election for a knight or knights of the shire for the said county of Londonderry, every freeholder whose freehold shall be registered as situate in the said city of Londonderry, and the said part of the said liberties thereof, or in the said town of Coleraine, and the said part of the said liberties thereof, and offering to vote, shall be polled in the booth, building, or place respectively appropriated to said city, and the said part of the said liberties thereof, or for the said town, and the said part of the said liberties thereof, as the case may be, as fully and effectually as if the same were baronies or half-baronies within the meaning of said acts.

Freeholders of said places shall be polled at their respective booths.

4. AND be it further enacted, That in the registry of all freeholds situate in the said city of Londonderry, or in the said part of the said liberties thereof, or in the said town of Coleraine, or said part of the said liberties thereof, respectively, the words, barony or half-barony, baronies or half-baronies, town-land or town-lands, as directed in the said acts to be mentioned in the oath or affirmation of the person registering the same, shall be omitted therein, and the words, city of Londonderry, or that part of the liberties thereof situate and lying on the north-west side of the river Foyle, or town of Coleraine, or that part of the liberties thereof situate and lying on the north-east side of the river Bann, as the case may be, shall be respectively inserted in their place, and that such registry shall be, to all intents, good and effectual, any thing in said acts contained to the contrary notwithstanding: provided always, That that part of the liberties of the said city of Londonderry, situate and lying on the north-east side of the river Foyle, shall be deemed and taken as part of the half-barony of Terkeerin, in the said county of Londonderry, and that all freeholds situate in the said last-mentioned part of said liberties, shall be henceforth registered pursuant to the provisions of said acts, as being and lying in the said half-barony of Terkeerin; and also that that part of the liberties of Coleraine, situate on the north-west side of the river Bann, shall be deemed and taken as part of the half-barony of Coleraine, and that all freeholds situate in the said last-mentioned part of the said liberties of Coleraine, shall be henceforth registered, pursuant to the provisions of the said acts, as being and lying in the said half-barony of Coleraine.

Words, barony or half-barony, &c. &c. may be omitted in registry of freeholds in said places, and words herein shall be inserted in their place;

part to be registered, as in half-barony of Terkeerin;

part in half-barony of Coleraine.

5. PROVIDED always, and be it further enacted, That no freehold registered since the passing of said acts, or either of them, and situate and lying within the said city and liberties of Londonderry, or the said town and liberties of Coleraine, shall be deemed to be unduly, or not properly registered, for or on account of the omission or insertion in the oath or affirmation taken or made in order to register the same, of the words barony or baronies, half-barony or

Freeholds not to be deemed unduly registered.

half-baronies, for or on account of the said city and liberties of Londonderry, or said town and liberties of Coleraine, not being mentioned or described therein, or for or on account of their being improperly mentioned or described therein, but that every person whose freehold being situate in the said city and liberties of Londonderry, or in said town and liberties of Coleraine, shall have been so registered, shall, notwithstanding such omission or insertion, be admitted to vote at any election for a knight or knights of the shire for the said county of Londonderry, to serve in parliament, the test of the writ for holding of which election shall bear date before the first day of May, one thousand eight hundred and one, and no longer.

500l. penalty on clerks of peace for neglecting to keep books of registry, or, to file affidavits;

punishment of clerks of peace for transgressions herein described.

6. AND be it further enacted, That if any clerk of the peace shall omit or neglect to keep any of the books of registry of freeholders in the manner and form prescribed by law, or to file any affidavit or affirmation delivered to him by the court to be filed, he shall, for every such offence, forfeit the sum of five hundred pounds, to be recovered against him by any freeholder who shall sue for the same by action, bill, plaint, or information, in any of his majesty's courts of record, in which no essoign, wager at law, nor more than one imparlance shall be allowed; and if any clerk of the peace shall destroy, or wilfully or negligently permit to be destroyed, or shall maliciously, fraudulently, corruptly, or wilfully make or permit, or suffer to be made, any alteration, erasure, obliteration, or interlineation in any such books of registry, or neglect to attend by himself, or his sufficient deputy, at any election for a member or members to serve in parliament for any county, town, or city, with all and singular the books of the registry of the freeholders therein, and the affidavits on which the same are formed, and to remain there during the whole continuance of such election, he shall, upon being duly convicted thereof, be adjudged guilty of a misdemeanor, and shall be imprisoned for three years, or suffer such other punishment as the court shall think fit, and shall be for ever after incapable of holding the office of clerk of the peace.

ANNO 41^o GEORGH III. CAP. 52.

An Act for declaring what Persons shall be disabled from sitting and voting in the House of Commons of the United Kingdom of Great Britain and Ireland; and also for carrying into effect Part of the Fourth Article of the Union of Great Britain and Ireland, by providing in what Cases, Persons holding Offices or Places of Profit under the Crown of Ireland shall be incapable of being Members of the House of Commons of the Parliament of the said United Kingdom.
A. D. 1801.

WHEREAS by an act, made in the session of parliament held in the thirty-ninth and fortieth years of the reign of his present majesty, intituled, 'An act for the union of Great Britain and Ireland,' it was amongst other things

provided, that the said kingdoms of Great Britain and Ireland should, upon the first day of January, in the year of our Lord one thousand eight hundred and one, and for ever after, be united into one kingdom, by the name of—the United Kingdom of Great Britain and Ireland; and that the said united kingdom should be represented in one and the same parliament, to be styled—the parliament of the united kingdom of Great Britain and Ireland: and whereas it is expedient fully to declare in what cases persons are and shall be disabled from, or incapable of, sitting and voting in the house of commons of the said parliament of the said united kingdom: Be it therefore enacted, &c. That, from and after the passing of this act, all persons disabled from, or incapable of, being elected, or sitting and voting in the house of commons of any parliament of Great Britain, shall be disabled from, and be incapable of being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses for any county, stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called Great Britain.

all persons disabled from sitting in British parliaments shall be disabled from sitting in the united parliament as members for Great Britain.

2. AND be it further enacted, That from and after the passing of this act, all persons disabled from, or incapable of, being elected, or sitting and voting in the house of commons, of any parliament of Ireland, shall be disabled from, and be incapable of, being elected, or sitting and voting in the house of commons of any parliament of the united kingdom, as knights, citizens, or burgesses for any county, city, borough, town, or place, in that part of the united kingdom called Ireland.

All persons disabled from sitting in Irish parliaments, shall be disabled from sitting for Ireland.

3. PROVIDED nevertheless, That nothing in this act shall be construed to enable persons, heretofore disabled by any act of the parliament of Great Britain, from sitting and voting in the house of commons of Great Britain, to sit or vote in the house of commons of the said parliament of the said united kingdom, as knights, citizens, or burgesses for any county, city, borough, town, or place in that part of the united kingdom called Ireland: nor to enable persons, heretofore disabled by any acts of the parliament of Ireland, from sitting and voting in the house of commons of Ireland, to sit or vote in the house of commons of the parliament of the said united kingdom, as knights, citizens, or burgesses for any county, stewartry, city, borough, cinque port, town, or place, in that part of the united kingdom called Great Britain.

Persons disabled by British statutes, shall not hereby be enabled to sit for Ireland, nor *contra*.

4. AND whereas by the said act for the union of Great Britain and Ireland, it was, amongst other things, provided, That, 'until an act shall have passed in the parliament of the united kingdom, providing in what cases persons holding offices, or places of profit under the crown of Ireland, shall be incapable of being members of the house of commons of the united kingdom, no greater number of members than twenty holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons of the united kingdom;' be it therefore further enacted, That from and after the dissolution or other determination

Persons who shall hold certain places in Ireland, shall be disabled from sitting in any future parliament of the united kingdom, viz.

of this present parliament, no person or persons who shall, by himself or his deputy, or any other in trust for him, or for his benefit, take, hold, enjoy, or execute, or continue to hold, enjoy, or execute, any of the offices, employments, or places of profit herein-after mentioned, in or for that part of the united kingdom called Ireland, shall be capable of being elected or chosen a member of, or of sitting or voting as a member of the house of commons of any parliament of the said united kingdom of Great Britain and Ireland, in any parliament which shall hereafter be summoned and holden; (that is to say),

commissioners of customs, excise, and stamps, &c.;

No person who shall be commissioner of customs, excise, or stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the sums of money, duties, or other aids heretofore granted, or which shall hereafter be granted by any act of parliament to his majesty, his heirs, or successors (except the commissioners of the treasury, and their secretary:)

except treasury;

commissioners of appeals;

NOR any person who shall be a commissioner for determining appeals concerning the said duties of customs, excise, or stamps, or for controuling or auditing the account of the said duties, (except the auditor-general of the exchequer:)

commissioners of accounts;

NOR any person who shall be a commissioner of imprest accounts:

army agents; contractors.

NOR any agent for any regiment:

NOR any person who shall, directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, or continue to execute, hold, or enjoy, in the whole or in part, any contract, agreement, or commission made or entered into under or from the commissioners of his majesty's treasury in Ireland, or with any one or more of such commissioners of his majesty's treasury in Ireland, or with any one or more of such commissioners, or with any other person or persons whomsoever, for or on account of the public service in Ireland; or who shall knowingly and willingly furnish or provide, in pursuance of any such agreement, contract, or commission which he or they shall have made and entered into as aforesaid, any money to be remitted abroad, or any wares or merchandize, to be used or employed in the service of the public, during the time that he shall execute, hold, or enjoy any such contract, agreement, or commission, or any part or share thereof, or any benefit or employment arising from the same, (except persons who shall be members of any incorporated trading company now existing or established in Ireland, and consisting of more than ten persons, so far as relates to any contract, agreement, or commission, which now is or shall, or may hereafter be made, entered into, or accepted by such company, in its corporate capacity, for the general benefit of such incorporation or company:)

Except members of trading companies, as such;

deputies or clerks in certain offices.

NOR any deputies or clerks in any of the several offices following: that is to say, the office of lord high treasurer, or the commissioners of the treasury, (except the secretary of the treasury;) or of the auditor of receipt of his majesty's

exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer, (except the secretary of the chancellor of the exchequer;) or of the commissioners of stamps, or of the commissioners of appeals.

5. AND be it further enacted, That from and after the dissolution or other determination of this present parliament, no person who shall have in his own name, or in the name of any person or persons in trust for him or his benefit, any office or place of profit, from or by the nomination or appointment, or by any appointment subject to the approbation of the lord-lieutenant, lord-deputy, lord justices, or other chief governor or governors of that part of the united kingdom called Ireland, created or erected at any time after the passing of an act of the parliament of Ireland, in the thirty-third year of the reign of his present majesty, intituled, 'An act for securing the freedom and independence of the house of commons, by excluding therefrom persons holding any offices under the crown, to be hereafter created, or holding certain offices therein enumerated, or pensions for terms of years, or during his majesty's pleasure,' shall be capable of being elected or chosen a member of, or of sitting or voting as a member of the house of commons, of any parliament of the said united kingdom of Great Britain and Ireland, in any parliament which shall hereafter be summoned and holden.

Persons holding new places under the lord lieutenant shall in future be disabled;

Irish act, 33
G. 3. c. 41.

6. AND be it further enacted, That if any person hereby declared to be disabled from, or rendered incapable of, sitting or voting in the house of commons, shall nevertheless be elected or returned as a member to serve in parliament for any county, stewartry, city, borough, cinque port, town, or place, in any part of the said united kingdom, such election or return are hereby enacted and declared to be void, to all intents and purposes whatsoever; and if any person or persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this act to be elected, shall presume to sit or vote as a member of the said house of commons, such person or persons, so sitting or voting, shall incur such pains, penalties, and forfeitures, as are inflicted or imposed by the several acts of parliament heretofore passed in Great Britain or Ireland, for disabling or incapacitating such persons from sitting in the parliaments of Great Britain or Ireland respectively; and if such person or persons shall be disabled or incapacitated, by the having, holding, or accepting of any office, employment, or place of profit, in this act enumerated and particularized, then and in such case, such person or persons so sitting or voting, shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house; to be recovered by such person as shall sue for the same in any court of record in any part of the said united kingdom, by action of debt, bill, plaint, or information, wherein no es-s-oin, protection, or wager of law shall be allowed, and only one imparlance.

Disabled persons presuming to sit in parliament shall incur the penalties under former British or Irish acts;

or, if disabled under this act, shall forfeit 500*l.* per day.

7. PROVIDED always, and it is hereby enacted and declared, That nothing in this act shall, during the con-

Act shall not extend (during this parliament) to persons holding such offices or places; but no more than 20 such persons shall sit.

tinuance of this present parliament, extend, or be construed to extend or relate to, or shall exclude or disable any person or persons holding offices or places of profit under the crown of Ireland; so nevertheless, that no greater number than twenty of the persons holding such offices or places as aforesaid, shall be capable of sitting in the said house of commons; and so that no person holding any such office or place shall be capable of being elected, or of sitting in the said house, while there are twenty persons holding such offices or places sitting in the said house.

Act shall not extend to offices held for life, or during good behaviour, except in certain cases.

8. PROVIDED also, and it is hereby further enacted and declared, That nothing in this act shall extend, or be construed to exclude any person having or holding any office, place, or employment for life, or for so long as he shall behave himself well in his office (other and except the commissioners of imprest accounts, and all persons concerned in the managing, collecting, or farming of any sums of money, duties, or other aids granted, or to be granted to his majesty, his heirs, or successors;) any thing herein contained to the contrary notwithstanding.

Member accepting any office whatever from the king or lord-lieutenant, &c. of Ireland, shall vacate his seat.

9. PROVIDED always, That if any person being chosen a member of the house of commons, shall, from and after the passing of this act, accept of any office of profit whatever, immediately and directly from the crown of the said united kingdom, or by the nomination or appointment, or by any other appointment, subject to the approbation of the lord-lieutenant, lord-deputy, lord justices, or other chief governor or governors of that part of the said united kingdom called Ireland, his seat shall thereupon become vacant, and a writ shall issue for a new election: provided nevertheless, That such person (if he be not incapacitated by any thing herein-before contained) shall be capable of being again elected to be a member of the house of commons for the place for which he had been member, or for any other place sending members to the house of commons.

ANNO 41^o GEORGII III. CAP. 101.

An Act for regulating, until the first day of May, 1802, the Trial of controverted Elections, or Returns of Members to serve in the United Parliament of Great Britain and Ireland; and for regulating the Qualification of Members to serve in the said United Parliament. A. D. 1801.

23. PROVIDED always, That nothing in this act contained shall extend or be construed to extend, to require any such qualification as aforesaid, (*i. e. a qualification by estate, see 59 G. 3. c. 37.*) on the part of the member to be from time to time elected and returned by the college of the Holy Trinity in Dublin, any thing herein contained to the contrary in anywise notwithstanding.

ANNO 42^o GEORGII III. CAP. 106.

An Act for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland. A. D. 1802.

ment, intituled, 'An act for regulating, until the first day of May, one thousand eight hundred and two, the trial of controverted elections or returns of members to serve in the united parliament of Great Britain and Ireland, for that part of the united kingdom called Ireland; and for regulating the qualification of members to serve in the said united parliament;' which act, so far as the same related to such controverted elections or returns, is now expired; and it is expedient that other provisions should be made for the regulating the trial of such controverted elections or returns; be it therefore enacted, &c. That, from and after the passing of this act, all and every the rules, regulations, authorities, and powers heretofore given or prescribed by any act or acts of parliament of Great Britain, and in force at the time of the passing of the act for the union of Great Britain and Ireland, with respect to petitions presented to the house of commons, complaining of undue elections or returns of members to serve in parliament, or complaining of the omission or insufficiency of any such return, and with respect to petitions of persons desiring to oppose any right of election, or any right of choosing, nominating, or appointing returning officers, which shall have been deemed valid by the determination of any select committee of the house of commons, and with respect to the trial and determination of all such petitions by such select committees, shall be in full force and effect with respect to all such petitions, as shall or may be hereafter from time to time presented to the house of commons of the parliament of the said united kingdom, complaining of undue elections or returns of members to serve in parliament for any county, stewartry, city, borough, cinque port, town, or place, in any part of the said united kingdom, or of the omission or insufficiency of any such returns, or from any person or persons desiring to oppose any such right of election, or of choosing, nominating, or appointing returning officers, in as full and ample a manner as if the same rules, regulations, authorities, and powers were herein repeated, and particularly and specifically enacted, concerning the same petitions, and the trial and determination thereof; except so far as the same are altered in and by this present act.

2. AND be it further enacted, That no petition complaining of any undue election or return for any county, city, borough, town, or place, in that part of the united kingdom called Ireland, or of the omission or insufficiency of any such return, or from any person or persons desiring to oppose any right of election, or of choosing, nominating, or appointing returning officers in or for any such county, city, borough, town, or place, shall be proceeded upon by the house of commons, unless the same shall state all and every the several matters and things, of and concerning which the petitioner or petitioners presenting the same is or are desirous of complaining, and to which he or they purpose or intend to call and examine witnesses; and that no witness or witnesses shall be called or examined by or on the behalf of such petitioner or petitioners, either by or before the select committee of the house of commons to

All regulations prescribed by British acts in force at the union, respecting petitions to the house of commons, complaining of undue elections or returns, &c. extended to such petitions to the united parliament from any place in the united kingdom.

Irish petitions shall not be proceeded on, unless they state all the matters concerning which the petitioners intend to examine witnesses.

be chosen for the trial and determination of the merits of such petition, or by or before the commissioners to be chosen and appointed in manner herein mentioned, to any matter or thing not contained or set forth in such petition, or in the lists and statements herein mentioned.

Parties shall, in the first place, interchange lists of objectionable votes, and statements of matters intended to be insisted on.

3. AND be it further enacted, that all the parties appearing before any select committee, to be chosen for the trial and determination of the merits of any such petition, shall, immediately after a chairman shall have been chosen by the said committee, and before any other business shall be proceeded upon by the said parties or either of them, before the said committee, interchange with and among each other lists of all such votes, and of the names of all such voters, to which either of the said parties purpose and intend to object; and that the said parties shall also interchange with and among each other, *statements in writing* of all particulars respecting any right of voting, or of choosing or nominating a returning officer, and respecting all such other matters and things whatever, as either of the said parties mean to insist upon, or to contend for, or to object to; and that no witness or witnesses shall be called or examined by or on behalf of either of the said parties before the said select committee, or before the said commissioners, or either of them, to any matter or thing not specified and contained in the said lists or statements respectively, or in the petition complaining of the election or return in question, as herein mentioned and provided.

Select committee on such petitions may, on application of the parties, in certain cases, make an order for appointment of commissioners:

4. AND, for avoiding the inconveniences and expence which may in certain cases arise, by reason of witnesses being brought from Ireland to be personally examined before committees of the house of commons; be it enacted, That whenever a select committee of the house of commons shall, at any time hereafter, be appointed for the trial and determination of any petition complaining of an undue election or return of members to serve in parliament for any county, city, borough, town, or place, in that part of the united kingdom called Ireland, or complaining of the omission, or insufficiency of any such return, or from any person or persons desiring to oppose any right of election, or any right of choosing a returning officer or returning officers, in or for such county, city, borough, town, or place, upon its appearing to the said committee, from the nature of the case and the number of witnesses to be examined relative to any particular allegation or allegations in the said petition, that the same cannot be effectually enquired into before such committee, without great expence and inconvenience to the parties, or either of them, it shall and may be lawful to and for the said select committee, upon application of any of the parties before the said select committee, at any period during the course of their proceedings upon such petition, to make an order for the nomination and appointment of commissioners in manner herein directed.

but no such commission shall issue without notice to all parties.

5. PROVIDED always, and be it further enacted, That no commission as aforesaid, shall issue under this act, except the party or parties intending to apply for the same, shall

serve a notice on the opposite party or parties, as soon as the petition in question shall be presented to the house of commons, of his intention to apply to the select committee for such commission as aforesaid.

6. PROVIDED always, and be it further enacted, That if the said committee shall not think it necessary to make such order, or to appoint such commissioners as aforesaid, then and in such case the said committee shall proceed to try the merits of the said petition, in the same manner as the merits on petitions respecting controverted elections are tried, for that part of the united kingdom called Great Britain.

Where no commissioners are necessary, committee may proceed as in other cases.

7. AND be it further enacted, that whenever the said committee shall think fit to make an order for the appointment of commissioners as aforesaid, such commissioners shall be appointed in manner herein mentioned; that is to say, on the next sitting day after the said order shall have been made by the said committee, at the time previously appointed by the said committee, in the presence of the said committee, and also in the presence of the said petitioners, their counsel or agents, and of the sitting members, their counsel or agents, and also in the presence of all parties before the house on distinct interests, or complaining or complained of on different grounds, or whose right to be elected or returned may be affected by the determination of the said select committee, or their several and respective counsel or agents, (or in the presence of such of the said parties, their counsel or agents, as shall then and there attend,) the names of three barristers, each being of six years standing at the bar at least, and each of them having consented, under their hands and seals, to become commissioners, on being appointed in manner herein mentioned, (and not having voted at the election in question for the county, city, borough, town, or place, respecting which the election, or return complained of, or other subject-matter of the petition in question, arose or happened, and not being, nor having been, at the time of the election in question, sheriff of the county, or returning officer of the city, borough, town, or place, in or for which the said election, return, or other matter of the petition in question, arose or happened, nor having been counsel at such election,) shall be delivered to the chairman of the said committee, by or on behalf of each and every the said distinct parties, or by or on behalf of such of them as shall then and there attend by themselves, their counsel, or agents; and a list of the whole of such names shall forthwith be made; and thereupon the said parties, their counsel, or agents, beginning on the part of the said petitioners, shall, in the presence of the said committee, proceed, alternately to strike off the name of one of the said barristers contained in the said list, until the number shall be reduced to two; which said two barristers, together with the chairman, who shall also be a barrister of like standing, and who shall be named and appointed in manner herein mentioned, shall be commissioners for the purpose of ex-

Regulations for the appointment of commissioners.

See 3. 14.

Appointment
of chairman.

By consent of
parties;

by the com-
mittee.

The clerk of
the crown in
Ireland shall,
every session,
transmit to the
speaker a list
of barristers,
from which
the committee
may appoint a
chairman.

Parties may
agree in nomi-
nating three
commission-
ers, one of
whom shall be
chairman.

When there
are more than
two parties,
the committee
shall appoint
all the com-
missioners and
chairman.

aming all such matters and things as shall be referred to them by the said select committee in manner aforesaid, and as shall be specially assigned and limited in the order of the said committee, for that purpose made as aforesaid.

8. AND be it further enacted, That immediately after the appointment of the said two commissioners in manner aforesaid, and before the said committee shall adjourn, a third commissioner, for the purposes aforesaid, and who shall be the chairman of the said commission, shall be appointed in manner following, (that is to say,) if all the parties interested shall agree among themselves in nominating and appointing any one such barrister, who shall have consented to such appointment under his hand and seal, then such barrister so nominated and consenting, shall be, and he is hereby appointed to be a third commissioner, and chairman of the said commissioners; but in case the several parties shall not agree amongst themselves in the appointment of such chairman as aforesaid, then it shall be lawful for the said select committee to nominate any barrister of like standing, in manner herein mentioned.

9. AND, in order to enable the said select committee to appoint such chairman as aforesaid, be it enacted, That the clerk of the crown in Ireland, or his deputy, shall, at the commencement of every session of parliament, send over to the speaker of the house of commons of the united parliament, a list of all such barristers, of not less than six years standing, who shall have consented, under their hands and seals, to act either as commissioners or as chairman to the commissioners for the purposes of this act, in case they, or any of them, shall be appointed in manner herein mentioned, out of which list the said select committee are hereby directed to appoint one other commissioner, who shall act as chairman to the said commissioners; provided, that no barrister, whose name shall have been previously struck off the list by any of the parties before the said select committee, shall be appointed to act as chairman to the said commissioners.

10. PROVIDED always, and be it further enacted, That if all the said parties interested in such petition shall agree in nominating any three such barristers to be commissioners as aforesaid, and shall deliver to the chairman of the select committee, a list of three such barristers so agreed upon, and consenting to act as aforesaid, such list being signed by all the said parties, such three persons shall be and become commissioners for the purposes aforesaid, as if they had been appointed in manner herein mentioned; and in such case the said commissioners shall appoint one of themselves to be their chairman.

11. AND be it enacted, That when more than two parties appear before the house upon distinct and separate interests at the striking of the select committee, if it shall appear that the said several parties are actually distinct and separate, and that there is no collusion between them, that then and in such case none of the parties shall be permitted

to give in any list of barristers to the said select committee, for the purposes of appointing commissioners as aforesaid, but that the said select committee shall, out of the list of barristers so returned by the clerk of the crown, or his deputy, appoint the three commissioners, and nominate which of the three shall act as chairman.

12. PROVIDED also, and be it further enacted, That if within one hour after the time fixed by the said committee for the appointment of commissioners in pursuance of this act, the petitioner or petitioners shall not appear either by themselves, their counsel, or agents, before the said committee, or shall not give in any list of names in manner aforesaid, then and in such case the said committee shall not proceed to the appointment of such commissioners, so far as respects such petitioner or petitioners so making default, but shall forthwith report to the house, that such petition, in such respect as aforesaid, was not proceeded upon before the said committee, and the petitioner or petitioners, so neglecting to appear, shall be held to have made default in the recognizance or recognizances entered into by him or them, on the presenting of such petition.

If petitioner do not appear to name commissioners, he shall be considered as having made default in recognizance.

13. AND be it further enacted, That if, within one hour after the time fixed by the said committee for proceeding to the appointment of commissioners as aforesaid, the sitting member or members, or any other party or parties opposing the petition, shall not appear before the said committee, by himself or themselves, or by his or their counsel or agents, or shall not give in any list of names in manner aforesaid, for the purpose of appointing commissioners, and of reducing the list of such names as shall be delivered by or on behalf of any party or parties appearing before the said select committee as aforesaid, the place of a party opposing the petition shall be supplied by the chairman of the committee, who shall accordingly, as often as it shall come to his turn as supplying the place of the party opposing the petition, to strike out a name, put all the then remaining names into a glass, and draw one out, which name shall be struck off the said list; and the same method of reducing the said list to the number of two shall be followed whenever any party shall waive his right of striking off names from the said list.

If sitting member, &c. does not appear, the chairman of the committee shall act for him.

14. AND be it further enacted, That when and as soon as the said commissioners shall be appointed in manner aforesaid, the chairman of the said select committee shall issue a warrant under his hand and seal, directed to each of the commissioners so appointed, commanding the said commissioners, and each of them, under the penalty of five hundred pounds, to repair to the city, borough, town, or place, in or for which the election, or return complained of, or other subject-matter of the petition arose or happened, on a day certain, to be named in the said warrant, and which day shall not be less than fourteen days, nor more than twenty-one days, distant from the day on which the said commissioners were appointed in manner afore-

Chairman of committee shall issue his warrant to the commissioners to attend, on penalty of 500*l*.

See s. 21.

said; and in case any of the said commissioners shall neglect or refuse to obey the injunction of the said warrant, he or they so neglecting or refusing, shall accordingly forfeit the sum of five hundred pounds, and the said chairman of the said committee shall address to the chairman of the said commissioners a true copy of the petition which shall have been referred to the said committee, and of the said lists and disputed votes and statements of the several parties which shall have been delivered before the said committee, together with a true copy of the order made by the said committee, *specially assigning and limiting the facts or allegations, matters, and things respecting* which the said commissioners are required and directed to examine evidence, and to report the same, together with all such other documents and papers as the said select committee shall think proper; all which warrants, petitions, orders, and papers shall be conveyed to the clerk of the crown in Ireland, or his deputy, and by him, or his deputy, transmitted to the several parties, in the method used in conveying writs in that part of the united kingdom called Great Britain; and the said chairman of the said select committee shall also transmit a copy of his warrant, but not of the several other papers, to the printer of the Dublin gazette, to be inserted in the next number of the said gazette, which shall be published after the receipt of the copy of the said warrant, by the said printer.

A copy of the petition;

statements of the parties, and order of the committee, limiting facts, shall be sent to chairman of the commissioners, and a copy of the warrant to the Dublin gazette.

Chairman of the committee shall report such proceedings to the house, and adjourn until the speaker shall re-assemble them.

See s. 26.

15. AND be it further enacted, That immediately after the completion of the proceedings aforesaid, the said chairman of the said select committee shall thereupon report the proceedings of the said committee to the house, and shall ask permission of the house for the said committee to adjourn, until such time as the speaker shall, by his warrant, in manner herein mentioned, direct the said committee to re-assemble; and upon such permission being granted, it shall and may be lawful for the said committee to adjourn accordingly; any act or acts of parliament now in force to the contrary thereof in anywise notwithstanding: provided always, That whenever any select committee shall report to the house in manner aforesaid, they shall state in their report, *that they have gone through all the other parts of the said petition, except what have been specially referred to the commissioners in Ireland* herein mentioned.

Committee on Irish elections shall not be dissolved by death or absence, except reduced to 9.

16. AND be it further enacted, That in all cases of the trial of petitions on controverted elections for any county, city, borough, town, or place, in that part of the united kingdom called Ireland, the select committee for the trial of such petition shall not be dissolved on account of the death or absence of any number of the members thereof, except the number of the said committee shall be reduced to less than nine; any act or acts of parliament now in force, or any law, usage, or custom to the contrary thereof, in anywise notwithstanding.

Commissioners shall open their court, and take the following

17. AND be it further enacted, That on the day and at the place appointed, between the hours of ten in the forenoon, and four in the afternoon, the said commissioners and

chairman shall meet and open their court, or commence their proceedings, by reading the warrant of the said chairman of the said select committee, and also the copy of the petition annexed to the said warrant, and also the copies of all other papers transmitted by the said chairman; and the said commissioners shall, before further proceeding on the business of their said commission, take and subscribe the following oath: that is to say;

‘I, A. B., do swear, That I will, without favour affection, or malice, and according to the best of my skill and knowledge, well and truly try and examine all such matters and things as shall be brought before me, by virtue of a warrant dated the _____ day of _____, under the hand and seal of the chairman of the select committee of the house of commons, on a petition from [here state the name or names of the petitioner or petitioners, and of the place to which the petition relates]; and that I will, in all things, well and truly perform the duty of a commissioner appointed to try the said matters and things, according to the rules, regulations, and directions contained in an act passed in the forty-second year of the reign of king George the Third, intituled, [here set forth the title of this act.]’

‘So help me God.’

Which oath the said chairman of the said commissioners, having first taken and subscribed the same in the presence of the rest of the said commissioners, is hereby authorized and empowered to administer to the other and others of them the said commissioners; and if any person shall act as a commissioner in the execution of this act, not being qualified by his degree as a barrister, every such person shall, for such offence, forfeit and pay the sum of five hundred pounds, and the said commissioners shall sit every day, (Sundays, Christmas-day, and Good Friday only excepted,) from the hour of ten in the morning till four in the afternoon, and shall never adjourn for a longer time than twenty-four hours; except in case of the death or continued absence of any of the said commissioners as herein provided, unless Sunday, Christmas-day, or Good Friday shall intervene; and in case of such intervention, every meeting, sitting, or adjournment, shall be within twenty-four hours from the time of appointing or fixing the same, exclusive of such Sunday, Christmas-day, or Good Friday.

Penalty on commissioner acting, not being a barrister, 500*l*.

Time of sitting of the court.

18. AND be it further enacted, That no one of the said commissioners shall be allowed to absent himself from the said daily sittings and meetings, except in cases of sudden accident or necessity, or in case of illness, and that such cases of sudden accident or necessity shall be made appear to the others of the said commissioners, by facts specially stated and verified upon oath of the said commissioner so absenting himself; and that such illness shall be certified to the others of the said commissioners, on the oath of a physician; which oaths shall be made before one of his majesty's justices of the peace; and that any commissioner who shall so absent himself without such law-

Commissioner absent except in case of illness, &c. shall forfeit 500*l*. per day.

ful excuse, shall, for every day on which he shall so absent himself forfeit and pay the sum of five hundred pounds.

Commissioners shall not sit unless all are present, except in cases of absence verified on oath, nor then, except by consent of parties see s. 20.

Regulations for appointment of commissioners in the room of deceased commissioners, &c.

Penalty on new commissioner not attending, 500*l*.

19. AND be it further enacted, That the said commissioners shall never sit until all the said commissioners are met, except in cases where the absence of a commissioner is verified upon oath as aforesaid, nor then, except by consent of all parties in manner herein mentioned; and in case the said commissioners, or such number as shall be so consented to, (the said chairman being always one,) shall not meet within one hour after the time to which the meeting of the said commissioners shall have been adjourned, a further adjournment shall be made in the manner before directed, and so from time to time, until all the said commissioners, or such number as shall be so consented to in manner herein mentioned, (the said chairman being always one,) are assembled; and if the number of the said commissioners able to attend, shall, at any time, by death, or otherwise, be unavoidably reduced to less than three, and shall so continue for the space of three sitting days, and no such consent as herein mentioned shall have been given, the party by whom the commissioner so dying or absenting himself was originally appointed, shall nominate a barrister, having consented in manner before mentioned, to act as a commissioner in his place; and in case of the death or continued absence of the chairman of the said commissioners, for the space of three sitting days, then the remaining commissioners shall proceed to nominate one other such barrister, having consented in manner before mentioned, to be a new commissioner and chairman; but in case the remaining commissioners cannot agree in the appointment of a chairman, then the names of the remaining commissioners shall be put into a glass, in open court, in the presence of the parties, or such of them as shall attend, and the commissioner whose name is first drawn out shall nominate and appoint one such barristers, (having consented in manner before mentioned,) to be such chairman, and the said remaining commissioners shall give notice of his appointment to such commissioner or chairman so appointed; who shall thereupon, under the penalty of five hundred pounds, repair to the place of meeting of the other commissioners on a day certain to be named by the remaining commissioners, and which day shall not be more than fourteen days distant from the day on which the said commissioner or chairman was appointed in manner aforesaid; and all and every such commissioner or chairman, so from time to time to be appointed in the place or stead of any commissioner, or chairman, dying or absenting himself for the time aforesaid, shall in all respects have the same power, jurisdiction, and authority, as the commissioner in whose place or stead he shall have been appointed in manner aforesaid, and shall proceed conjointly with the other commissioners, to complete the purposes for which the said commissioners were originally appointed.

20. PROVIDED always, nevertheless, That notwithstanding any thing herein contained to the contrary, any number of the said commissioners, (the said chairman being always one,) may, during the absence, or after the death of any other or others of the said commissioners, execute all the purposes of this act, with the consent of all parties interested, and which consent shall be especially entered on the minutes of the proceedings of the said commissioners, and signed by the parties, their counsel, or agents respectively.

Any number of the commissioners (the chairman being one) may act, with consent of parties.

21. PROVIDED always, and be it enacted, That if any commissioner appointed by virtue of this act shall be prevented from attending at the day and place appointed as aforesaid, by any sudden accident, necessity, or illness, to be verified upon oath in manner herein directed, with respect to the absence of either of the said commissioners, after proceeding on the said commission, then and in such case the commissioner or commissioners so prevented from attending, by such sudden accident, necessity, or illness, shall not be liable to the said penalty of five hundred pounds; any thing herein contained to the contrary notwithstanding.

Commissioner prevented from attending on account of illness, &c. not liable to penalty.

22. AND be it further enacted, That it shall and may be lawful for the said commissioners, from time to time, to adjourn to any town within the county, in all cases where it shall appear to them necessary so to do.

Commissioners may adjourn to any place.

23. AND be it further enacted, That the said chairman of the commission shall, at all times, by warrant, under his hand and seal, have power to send for all persons, papers, and records; and the said commissioners shall examine all witnesses who shall come before them upon oath, and shall examine all matters referred to them, and shall, in all respects, have the same powers and authorities for examining the said matters so referred to them, as select committees of the house of commons on controverted elections have, for examining the matters and things referred to such select committees; and the said commissioners shall appoint a clerk, to take down in writing minutes of all the proceedings of them the said commissioners, and of all such evidence as shall be given or produced before them, in as accurate a manner as the same can possibly be done, and shall proceed in examining all and every witness or witnesses who shall come before them, and in scrutinizing the rights of any voter or voters, and in all other matters and things whatsoever referred to them, in the same course and manner, and according to the same rules, as select committees of the house of commons on controverted elections ought and are empowered to proceed in like places; and the clerk appointed by the said commissioners shall, from time to time, make, or cause to be made, true copies of the minutes of all proceedings before the said commissioners, and of all such evidence as shall be given, or produced before them, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid for each

Commissioners empowered to send for persons, and papers, &c. and shall examine all matters referred to them, as select committees; and shall appoint a clerk to take down minutes of their proceedings, and within ten days after the evidence is closed, shall transmit one copy to clerk of the crown for Ireland, and another to the speaker.

sheet of the said copy, consisting of seventy-two words, the sum of sixpence; and within ten days after the evidence before the said commissioners shall be closed, touching the matters and things referred to them, the said commissioners shall cause two copies of the minutes of all their proceedings to be made, and shall examine the same with the said minutes, and shall sign and seal the said copies; and shall transmit by their clerk, one of the said copies to the clerk of the crown for Ireland, or his deputy, at the crown office in Dublin; and the other of the said copies to the speaker of the house of commons of the parliament of the said united kingdom, who shall accordingly communicate the same to the said house, and upon the transmission of the said copies, the said commissioners shall adjourn, in order to receive such further orders from the select committee upon the petition in question, as such committee may, from time to time, think requisite and necessary.

No counsel
shall be em-
ployed before
them.

24. AND be it further enacted, That the said commissioners shall not permit or suffer any barrister or counsel to plead before them, or to examine or cross-examine any of the witnesses; but that the said commissioners shall themselves examine and cross-examine all the witnesses that shall be produced before them.

If evidence
rejected by
commission-
ers may be
tendered and
received.

25. PROVIDED always, and be it further enacted, That in case at any time in the course of the said proceedings before the said commissioners, any of the said parties shall tender or offer to produce to the said commissioners any witness or evidence to, of, or concerning any matter or thing whatsoever in issue before the said commissioners, which witness or evidence the said commissioners, or a majority of them, shall be of opinion ought not to be examined, heard, or received, the said commissioners shall state, in writing, the reasons and grounds upon which they have rejected the said evidence, and enter the same upon their proceedings; and it shall and may be lawful to and for the party tendering or offering to produce such witness or evidence, to require of the said commissioners, that the said witness or evidence shall be examined, heard, and received by and before them; and the testimony of such witness, or the purport of such evidence, shall accordingly be taken down in writing by the clerk to the said commissioners, separately and apart from all other evidence before the said commissioners, and a copy thereof, with a statement of the purpose to or for which the said witness or evidence was produced, and by whom the same was produced, shall be signed and sealed by the said commissioners, in the nature of a bill of exceptions to evidence, and the same shall be transmitted by the said commissioners, together with all the other proceedings before them, in manner herein mentioned; and if the select committee of the house of commons, to whom the merits of the petition in question shall be afterwards referred, in manner herein mentioned, shall be of opinion that the tendering and offering of such witness or evidence was frivolous or vexatious, or that the testimony

of such witness, or the purport of such evidence was impertinent or irrelevant to the matter in issue before the said commissioners, the said committee shall report such their opinion to the house, together with their opinion on the other matters relating to the said petition, and the party who shall, before the said commissioners have opposed the examining, hearing or receiving of such witness or evidence, shall be entitled to recover from the person or persons who shall have produced such witness or evidence, the full costs and expences which such party or parties shall have incurred in opposing the same, or by reason of the same being received in manner aforesaid; which costs and expences shall be ascertained and recovered in the same manner and form as are now provided by law for the recovery of costs and expences in cases of frivolous or vexatious petitions, or frivolous or vexatious opposition to any petition.

26. AND be it further enacted, That within two days after the copy of the said proceedings before the said commissioners shall be received by the speaker of the house of commons, the said speaker shall insert in the London Gazette, a warrant signed by him, directing the select committee upon the petition in question, to re-assemble and meet again within the space of one month from the date of such warrant, *provided parliament shall be then sitting, and in case parliament shall not then be sitting, to meet within one month after the commencement of the next session of parliament*; and that the said select committee shall accordingly re-assemble and meet again, and shall take the proceedings of the said commissioners into consideration, and shall proceed to try and determine the merits of the said petition, in such and the same manner as select committees on controverted elections are, by the laws now in force, directed to proceed, try, and determine; save and except that the said committee *shall not call for or receive any other or further evidence, written or parol, respecting any matters or things which shall have been tried and examined by the said commissioners, in manner aforesaid; but the said committee shall determine on all such matters and things from the written minutes of the evidence, and proceedings before the said commissioners, and the certificates of the said commissioners, so signed, sealed, and transmitted as aforesaid: Provided always, That the said committee shall and may be at liberty to hear counsel, as to the effect of the said evidence, in like manner as they may do respecting any other matter in question before them; and that the said select committee shall report their own opinion to the house, upon the whole merits of the said election, or other matter of the said petition.*

27. PROVIDED always, and be it further enacted, That the said select committee shall (from time to time during the continuance of the said committee, and at any time before reporting their final opinion to the house on the merits of the petition in question,) have full power and authority to direct any further or other warrant to the said chairman of the commissioners, under the hand and seal

On recital of proceedings of the commissioners the speaker, shall insert in the London Gazette a warrant directing the select committee to meet within a month, who shall try the merits of the petition on the evidence so transmitted, but may hear counsel on the effect thereof, and shall report thereon.

Committee may direct further warrants to commissioners to re-assemble.

of the chairman of the said committee, ordering and directing the said commissioners to re-assemble for such purposes as shall be in the said warrant specified; and that such and the like proceedings shall be had upon such further warrant of the chairman of the said committee, as are herein directed with respect to the said warrant of the chairman of the said committee, herein first mentioned.

Penalty on
perjury before
commissioners.

28. AND be it further enacted, That all and every person and persons who shall wilfully give false evidence, or make any false oath or affidavit before the said commissioners, or before any justice of the peace, touching any matter or thing provided for by this act, shall be prosecuted and indicted for the same; and such person or persons being convicted thereof, shall be sent to some house of correction, for a time not exceeding seven years, there to be kept to hard labour during all the said time, or otherwise to be transported to some of his majesty's plantations beyond the seas, for a term not exceeding seven years, as the court shall deem most proper; and that it shall and may be lawful for the chairman of the said commissioners, and he is hereby authorized and empowered, by warrant under his hand and seal, directed to any one or more constable or constables, or to any other person or persons specially appointed by such chairman, to summon and require the attendance of any witness or witnesses, or other person or persons, before the said commissioners, at the day and place to be mentioned in the said warrant.

summoning
witnesses.

Witnesses or
other persons
misbehaving,
may be
committed by
chairman of
commissioners.

29. AND be it further enacted, That if any person so summoned as a witness as aforesaid, shall neglect or refuse to attend, without lawful excuse, to be determined by the said commissioners; or if any witness before such commissioners shall prevaricate, or shall otherwise misbehave, in giving or refusing to give evidence, or if any person shall be guilty of any contempt or misbehaviour whatsoever, of or towards the said commissioners, while sitting and acting in the execution of their said commission, the said chairman of the said commissioners shall, and he is hereby empowered, by a warrant under his hand and seal, and directed to the gaoler of the common gaol of the county or place in which the said commissioners shall sit, to commit such person (not being a peer of the realm, or a lord of parliament) to the custody of the said gaoler, without bail or mainprize, for any time not exceeding six calendar months.

Members of
parliament,
being wit-
nesses.

30. AND be it enacted, That in case it shall be requisite to summon any member of parliament to give evidence before the said commissioners, who shall be then attending his duty in parliament, that in such case the chairman of the commissioners shall certify the same to the speaker of the house of commons, who shall report the same to the house.

Allowances to
commissioners
and their
clerk.

31. AND be it further enacted, That each of the said commissioners so to be appointed in manner aforesaid, shall, immediately after the select committee on the petition in question shall have made the final report to the house on the merits of the said petition, be entitled to demand and receive from the lords commissioners of the treasury in

Dublin, the sum of two hundred pounds, for his attendance upon the execution of the said commission, together with the sum of one guinea for every day which such commissioner shall have been, or shall be necessarily engaged on the said commission, and also his travelling expences, at the rate of one shilling and sixpence for every mile which such commissioner shall have travelled from or to his usual place of abode, in his attendance on the execution of such commission; and that the clerk to the said commissioners shall also, upon his transmitting the said copies in manner aforesaid, be entitled to demand and receive from the lords commissioners of the treasury in Dublin, such sum or sums for his attendance on the execution of the said commission, as the said commissioners shall, under their hands, certify to be reasonable, not exceeding the amount of two guineas for each day of his attendance on the execution of the said commission, together with such sum for the copies of the evidence transmitted to the clerk of the crown in Ireland, and the speaker of the house, in manner aforesaid, as the said commissioners shall think fit, not exceeding the sum of sixpence for every sheet, consisting of seventy-two words, the said copies shall contain.

32. AND be it further enacted, That all pecuniary penalties in and by this act imposed, shall and may be recovered, with full costs of suit, by any person or persons who shall sue for the same by action of debt, in any court of record in that part of the united kingdom called Ireland; in which action it shall be sufficient for the plaintiff or plaintiffs to declare, that the defendant or defendants is or are indebted to him or them, (to the amount of the penalty sued for) by virtue of this act; and in which action no essoign, privilege, protection, or wager of law, shall be allowed, nor more than one imparlance.

Penalties may be sued for in any court of record in Ireland.

33. PROVIDED always, and be it further enacted, That every indictment, information, or action, for any offence against this act, or any forfeiture incurred under the same, shall be found, filed, or commenced, within one year after the commission of the fact on which such indictment, information, or action shall be grounded, or within six months after the conclusion of the proceedings in the house of commons, relating to the petition on the trial of which such fact shall have arisen.

Limitation of actions.

One year, &c.

ANNO 43^o GEORGH III. CAP. 25.

An Act for better securing the Freedom of Elections of Members to serve in Parliament for any Place in Ireland, by disabling certain Officers employed in the Collection or Management of his Majesty's Revenues in Ireland from giving their Votes at such Elections. A. D. 1803.

For the better securing the freedom of elections of members to serve in parliament, be it enacted, &c. That from and after the first day of June, 1803, no commissioner, collector, surveyor, supervisor, gauger, or other officer or per-

From June 1, 1803, officers of the revenue in Ireland

rendered incapable of voting in any election of members to serve in parliament for Ireland.

Vote of such officers, and for twelve months after holding such offices, void, and offenders shall forfeit 100*l.* and be incapacitated.

son whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of excise in Ireland, or any branch or part thereof; nor any commissioner, collector, surveyor comptroller, searcher, or other officer or person whatsoever, concerned or employed in the charging, collecting, levying, or managing the duties of customs in Ireland, or any branch or part thereof; nor any surveyor, collector, comptroller, inspector, or other officer or person whatsoever concerned, engaged, or employed by or under the commissioners of his majesty's revenue in Ireland, in the charging, collecting, levying, or managing any of the duties, taxes, or impositions in Ireland, paid or levied under the direction of such commissioners, or any of them; nor any commissioner, officer, or other person, concerned or employed in collecting, receiving, or managing any of the duties on stamped vellum, parchment, and paper, in Ireland, nor any person appointed by the said last-mentioned commissioners for distributing of stamps in Ireland; nor any postmaster, or postmasters-general, or his or their deputy or deputies; nor any person employed by or under him or them in receiving, collecting, or managing the revenue of the post-office in Ireland, or any part thereof; nor any captain, master, or mate of any ship, packet, or other vessel employed by or under the postmaster or postmasters-general in Ireland, in conveying the mail from and to Ireland, to or from Great Britain, or to or from any other place whatever, shall be capable of giving his vote in any election for the choice of any representative in parliament for any county, city, county of a city, borough, town corporate, university, or other place whatever in Ireland; and if any person hereby made incapable of voting, as aforesaid, shall nevertheless presume to give his vote during the time he shall hold, or within twelve calendar months after he shall cease to hold, or execute any of the offices aforesaid, contrary to the true intent and meaning of this act, such votes so given shall be held null and void, to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds, Irish currency, one moiety thereof to the informer, and the other moiety thereof to be paid into the hands of the treasurer of the county, city, town, or place, in Ireland, within which such offence shall have been committed, to be applied and disposed of to the use of some public charitable institution, or to such other charitable purposes, within the said county, city, town, or place, as the justices at the next general quarter-session of the peace to be held for such county, city, town, or place, in Ireland, shall think fit, and to be recovered by any person that will sue for the same, by action of debt, bill, plaint, or information, in any of his majesty's courts of record in Dublin, in which no essoign, protection, privilege, or wager of law, nor more than one imparlance shall be allowed; and the person against whom any such penalty shall be recovered, shall become, and is hereby declared, disabled and incapable of ever bearing or executing any office or place of trust whatsoever, under his majesty, his heirs or successors.

2. PROVIDED always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to any office in Ireland now held, or usually granted to be held by letters patent, for any estate of inheritance or freehold.

Not to extend to patent offices,

3. PROVIDED also, and be it enacted, That nothing herein contained shall extend to any person who shall resign his office or employment on or before the said first day of June, one thousand eight hundred and three.

nor to persons resigning before June 1, 1803.

4. PROVIDED also, and be it enacted, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution for the same be commenced within twelve calendar months next after such penalty or forfeiture shall be incurred.

Limitation of actions for penalties 12 months.

ANNO 45^o GEORGII III. CAP. 59.

An Act for amending an Act passed in the Parliament of Ireland, in the Thirty-fifth Year of his present Majesty, for regulating the Election of Members to serve in Parliament, so far as relates to Freeholds under the yearly Value of Twenty Pounds; and for making further and other Regulations relating thereto.

A. D. 1805.

WHEREAS by an act passed in the parliament of Ireland, in the thirty-fifth year of the reign of his present majesty king George the Third, intituled, 'An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned,' it is enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, by virtue of a freehold under the yearly value of twenty pounds, unless such freehold shall have been in his actual occupation, either by his residing thereon, or tilling or grazing the same, to the amount of forty shillings yearly value thereof, at the time of his registering the same, pursuant to the provisions of the said act, and also for six successive calendar months at the least, between the date of such registry and the test of the writ for holding the election, unless such freehold shall have come to such person by devise, descent, marriage, or marriage-settlement, and was demised at the time it so came, and continued, at the time of such election, to be held under him by virtue of such demise: And whereas the aforesaid wholesome provisions of the said recited act may be evaded, by pretended grants of, or agreements for, leases for a life or lives, though no lease shall have been executed, or such life or lives been nominated: Be it therefore enacted, &c. That, every person who, from and after the passing of this act, shall register a freehold under the yearly value of twenty pounds, not arising from a rent-charge, shall register the same in manner and form following, instead of registering it in manner and form prescribed by said recited act, or any law or laws now in force; (that is to say,) he shall, at a sessions of the peace for the county, county of a town, or city, wherein

Irish act, 35 Geo. 3. c. 29. s. 30, &c. 46. &c.

Persons possessing a freehold under 20l. not arising from a rent-charge, shall register the same as hereby directed on oath.

his freehold lies, held twelve months at the least previous to the test of the writ for holding the election at which he shall tender his vote, produce, in open court, the deed, lease, or instrument under which his freehold arises, and take and subscribe the following oath, or, if a quaker, the following affirmation :

Form of oath. ' I, A. B., of _____, in the county of _____, [or, of the county of the city, or town of _____, as the case may be,] do swear, [or, if a quaker, affirm,] that I am a freeholder of the county of _____, and that I have a freehold therein, arising from [an house or houses, land, or both, or other hereditaments, as the case may be,] of the clear yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at _____, [naming the town-land or town-lands, or other denomination by which the place is generally known, and barony or half-barony, or baronies or half-baronies, wherein it is situate,] in this county, [and if in a city, or town, or county of a city or town, naming the same, and the street, and square, row, alley, lane, or place ;] and that the said freehold does not arise from a rent-charge, and that the same arises by virtue of the deed, lease, or instrument which I now produce, bearing date the _____ day of _____, in the year _____, for the life or lives of A. B. and C. D., [or, in case the said freehold be not for life or lives, then stating the nature of his tenure, as the case may be,] at the yearly rent of _____, and that I am in the actual occupation thereof, by residing thereon, or by tilling, or by grazing, or by both tilling and grazing, [as the case may be,] to the amount of at least forty shillings yearly value thereof; and that the said freehold is not set, or agreed to be set, to the person or persons who executed the said deed, lease, or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, nor do I intend to set the same to such person or persons, or any of them; and that I have not agreed to set it, for the term for which I hold it; nor have I procured it fraudulently, or in exchange for a freehold in any other county. ' So help me God.'

Freeholds not arising by deed, &c. shall be truly described in the oath.

And if the freehold, in right or virtue whereof any person shall desire to qualify himself to vote, shall not arise by virtue of a deed, lease, or instrument, the person desiring to register it shall describe the same in the oath or affirmation so to be taken by him, according to the true state and nature of his tenure; in which case the words in the foregoing oath, importing that the same arises by virtue of deed, lease, or instrument, shall be omitted, and such description inserted in the place thereof.

Oath shall be recorded.

2. AND be it enacted, That every such oath or affirmation shall be read aloud in open court, and be signed by two at least of the justices presiding there; and shall be then delivered by the court to the acting clerk of the peace, to

be filed and kept amongst the records of the county, county of a city, or town, wherein such freehold shall lie.

3. AND be it further enacted, That every deed, lease, or instrument, produced by any person making the affidavit or affirmation aforesaid, shall be indorsed at the time, in open court, by the acting clerk of the peace, with his name, and the day of the month and year; and the clerk of the peace shall then and there compare the deed, lease, or instrument with the affidavit of registry; and he shall, within ten days from the date thereof, enter in the book of his registry, the date thereof, the names of the parties, and the name or names of the life or lives for which the same is held.

Deed, &c. so produced shall be marked and registered.

4. AND be it further enacted, That from and after the twenty-ninth day of September, one thousand eight hundred and nine, no person shall be admitted to vote at any election to be held in Ireland, for a member or members to serve in parliament, by virtue of a freehold under the clear yearly value of twenty pounds, who shall not have so registered his freehold twelve calendar months, at the least, before the test of the writ for holding the election at which he shall offer his vote; and that every person who shall offer to vote as a freeholder, in right of a freehold under the yearly value of twenty pounds, shall, before he shall be admitted to poll at any election, if required by the sheriff, or any elector, declare, upon oath, from whom he holds or derives his freehold, if he holds it under any person or persons; and if the same be situate in a city, town corporate, or market-town, and describe the street, or part of the city or town in which the same is situate, and who are his next resident neighbours, and when the same was granted, and for what life or lives, and whether such life or lives, or any of them, is or are in being at the time of such election; and whether he is the person who actually registered the freehold under which he desires to vote; and the said declarations, in all such cases, shall be entered in the poll-book taken by the sheriffs, or their deputies, at such election; and he shall, if so required by any elector, before he be admitted to poll, take the following oath:

Persons shall not vote for such freehold unless registered 12 months;

On voting they shall state particulars of freehold; on oath if required.

‘ I, A. B., of _____ in the county of _____, [or, of the town or city of _____], do swear, [or, if a quaker, do affirm,] that I am a freeholder of this county; and that I have a freehold therein, arising from a house or houses, land, or both, or other hereditaments, [as the case may be,] of the yearly value of forty shillings at the least, above all charges payable out of the same, lying and being at _____, in the barony or baronies, half-barony or half-baronies, of _____, in this county, [and if in a city or town, or county of a city or town, naming the same, and the street, square, row, alley, lane, or place;] and that the said freehold does not arise from a rent-charge.

‘ So help me God.’

Form of oath.

Additional
form of oath,
if required.

5. PROVIDED always, and be it further enacted, That if any candidate or elector shall desire the words following to be added, ' and that the same arises by virtue of a deed, lease, or instrument, [or otherwise, as the case may be] bearing date the day of in the year for the life or lives of ; and that the said one of the aforesaid lives, is still alive, to the best of my knowledge and belief; ' [unless he is himself one of the lives, in which case he shall swear,] ' that I am one of the lives therein,' instead of the words, ' that the said one of the aforesaid lives, is still alive, to the best of my knowledge and belief; ' [or in case the said freehold be not for life or lives, then stating the nature of his tenure, or the words following,] ' and that I have been in the actual occupation thereof for twelve successive calendar months, between [naming the day he registered the same,] and [naming the date of the teste of the writ for holding this election,] by residing thereon, or by tilling and by grazing, or by both tilling and grazing, [as the case may be] to the amount of at least forty shillings yearly value thereof [as the case may be]; ' or the words following, ' and that the said freehold is not set, or agreed to be set, to the person or persons who executed the said deed, lease, or instrument, or to the heirs or assigns of such person or persons, or to any one in trust for him or them ; nor do I intend to set the same to such person or persons, or any of them ; and that I have not set it, or agreed to set it, for the term for which I hold it ; and that I have not been polled before at this election ; and that I am, to the best of my belief, of the age of twenty-one years : ' the same shall, or so much thereof as shall be so desired, be added to the said oath or affirmation, before the person offering to vote shall be admitted to poll.

Oath at election shall be in conformity with that on registry. (See s. 2.)

6. AND be it further enacted, That the blanks in the said oath or affirmation shall be filled up in conformity to the oath or affirmation, which the person going to take the same shall have taken at the time of his registering such freehold.

Provisions of former acts extended to this.

7. AND be it further enacted, That, from and after the commencement of this act, all the provisions, clauses, conditions, regulations, and penalties, of the said recited acts, or any acts amending the same, with respect to freeholds, under the yearly value of twenty pounds, and which are not hereby altered or repealed, shall be applied, construed, deemed, and taken to extend to freeholds under the value of twenty pounds, the registry whereof is by this act directed and required, as fully and effectually as if the same were hereby and herein specifically enacted and applied thereto.

Grants of fraudulent freeholds, shall be valid against the grantor.

8. AND be it enacted, That if any person or persons shall fraudulently and knowingly grant any interest importing to be a freehold, which really is not so, with intent to enable any person to vote, such grant shall be good and valid against the grantor thereof for every purpose but enabling the grantee to vote.

9. AND be it further enacted, That if such grantor shall be possessed only of a term of years therein, and shall demise the same, or any part thereof, for a life or lives, with intent to induce the lessee therein to register such as a freehold, or to vote as a freeholder thereout, he shall forfeit the sum of one hundred pounds to any person who shall sue for the same by action, bill, plaint, or information in any court of law.

Penalty on fraudulent grantors 100/.

10. AND for the better securing the performance of the duties hereby and by the said in part recited act, or by any other act or acts directed to be performed by the clerk of the peace or his deputy, in respect to the registry of freeholds, Be it further enacted, That the several clerks of the peace, or their deputies, of the several counties of Ireland, shall at the general quarter sessions of the peace, or adjournment thereof, next after the passing of this act, or at the next general quarter sessions of the peace, or adjournment thereof, next after his appointment, take and subscribe an oath in the form following; and which oath the justices presiding at the said session are hereby directed and empowered to administer:

Oath of clerk of peace for performance of acts.

‘I, A. B., clerk or deputy clerk of the peace for the county of [as the case may be,] do swear, that I will faithfully and honestly, and without favour or affection, perform and discharge the several duties directed to be performed by the clerks and deputy clerks of the peace, by an act passed in the parliament of Ireland, in the thirty-fifth year of the reign of his present majesty, intituled, ‘An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned;’ and by an act passed in the forty-fifth year of his present majesty’s reign, entitled, [here set forth the title of this act]; and that I will not demand or receive any fee or fees, for discharging any of the said duties, which I am not entitled to by law. ‘So help me, God.’

35 G. 3. c. 29.

And which oath the said clerks and deputy clerks of the peace are hereby required to deliver to the treasurer of the county, to preserve amongst his records of the county.

11. AND be it further enacted, That the said several and respective clerks and deputy clerks of the peace shall from time to time as directed by the said in part recited act of the thirty-fifth year of his present majesty’s reign, give to every freeholder who shall require the same, a full, true, and correct return of the names of all such persons as shall register their freehold according to the directions of this act and of the said act of the thirty-fifth year of his present majesty’s reign, and shall certify at the foot thereof, that the said return so made is true and correct, according to the schedule hereunto annexed.

Copies of registers shall be given by clerk of peace. (See schedule.)

12. PROVIDED always, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to prevent any person who shall have registered his freehold before the first day of August next ensuing,

Persons having registered freeholds before 1st Aug. 1805, under

existing acts,
may vote at
any election
previous to
29th Sep. 1809,
on producing
their deed.

pursuant to the laws in force for that purpose, from voting at any election for a member or members to serve in parliament, the teste of the writ for holding which shall bear date before the twenty-ninth of September, one thousand eight hundred and nine; but every person who might by the law in force vote at any such election, shall and may vote thereat as fully and freely, to all intents and purposes, as if this act had not been made, subject to all and singular the clauses, conditions, oaths, and regulations, appointed and provided by the said in part recited act, provided he shall produce to the returning officer, if required by him or any elector, the deed, lease, article, or agreement, under which he shall have registered such freehold, duly executed prior to such registry.

Adjourn-
ments and
lapse of ses-
sions.

13. AND for the greater convenience of registering freeholds, be it enacted, That every adjournment of a sessions of the peace, and every adjournment of an adjournment, shall be deemed a sessions of the peace within the meaning of the said act and this present act; and in case there shall have been no adjournment of such sessions, or no adjournment of an adjournment of such sessions, and that such sessions shall in such case lapse, a sessions shall be holden at which the clerk of the peace, or his deputy, shall and is hereby required to attend, for the purpose of registering the freeholders, the first Monday in the next month, at the place where the last general sessions of the peace shall have been held, for the purpose of registering freeholders; and every adjournment of every such sessions to any city or market town within the county shall be deemed and taken to be a sessions within the meaning of the said act, or this present act.

Penalty on
perjury and
subornation as
under existing
acts.

14. AND be it further enacted, That if any person, in taking any oath or affirmation herein before appointed or authorized to be taken at any registry, or before any returning officer or officers, shall thereby commit wilful perjury, and be thereof convicted; or if any person shall unlawfully and corruptly procure or suborn any other person to take any such oath or affirmation, whereby he or such person or persons shall commit such wilful perjury, and shall be thereof convicted, he, or such person or persons so offending, shall incur such pains and penalties as are inflicted by any act or acts for the more effectual preventing and further punishment of perjury and subornation of perjury.

Schedule to which this Act refers.

Name of freeholder & residence.	Name of landlord and residence.	Value of freehold.	Description.	Situation.	Barony or half-barony.	Names of life or lives, or other tenure.	Rent.	Date of Registry.

ANNO 47^o GEORGII III. CAP. 14.

An Act to amend several Acts, for regulating the Trial of controverted Elections, or Returns of Members to serve in Parliament, so far as the same relate to Ireland.

A. D. 1807.

42 G. 3. c. 106.

Clerk to commissioners for taking evidence under recited act shall be sworn.

No voter shall be a commissioner to take evidence, nor clerk to such commissioners.

Objection to such appointments.

Lists of votes objected to shall state the

WHEREAS an act was made in the forty-second year of the reign of his present majesty, intituled, 'An act for regulating the trial of controverted elections, or returns of members to serve in the united parliament, for Ireland, and it is expedient that further regulations should be made for carrying the said act into execution : be it therefore enacted, &c. That from and after the passing of this act, when any person shall be appointed to be clerk to the commissioners under the said recited act, for the purpose of examining any matters or things referred to them by any select committee of the house of commons, in manner directed by the said recited act, such person so appointed to be clerk shall be sworn by the chairman of the said commissioners, faithfully and truly to take down in writing the evidence adduced before the said commissioners, and, from day to day, as occasion may require, to transcribe, or cause the same to be transcribed, for the use of the said commissioners ; and that in taking down the said evidence in writing, he will give the exact words in which such evidence shall be delivered, in as accurate a manner as the same can possibly be done, and will in all things conduct himself, as such clerk, without favour, affection, or malice, according to the best of his skill and judgment.

2. AND be it further enacted, That no person shall be chosen or appointed to be a commissioner under the said recited act, for the purposes of examining any matters or things referred to commissioners by any select committee of the house of commons, for the trial of any petition under the provisions of the said recited act, or to be clerk to such commissioners, who shall have voted at the election in question, or who shall have, or claim any right or title to vote for the county, city, borough, town, or place, respecting which the election or return complained of, or other subject-matter of such petition arose or happened without the consent and approbation, in writing, of the petitioners and sitting members by and against whom any such petition shall be preferred.

3. PROVIDED always, That any objection to the appointment of such commissioner shall be made at the time of his being chosen and appointed, and that any objection to the appointment of such clerk shall be made at the first meeting of the commissioners ; otherwise any objection, either to the appointment of commissioner or clerk, shall be invalid, and of none effect, and such appointment of commissioner or clerk, shall be valid and effectual to all intents and purposes.

4. AND be it further enacted, That the parties appearing before any select committee of the house of commons, under

the said recited act, and delivering any lists of votes, or of the names of voters to which either of the said parties propose and intend to object, shall, in such lists, specify and particularize against every vote, and against the name of every voter contained in such list, the specific and particular ground or grounds of objection upon which such party purposes and intends to object against such vote or voter respectively; and that no evidence shall be adduced before such select committee, or before any commissioners to be appointed under the said recited act, against the validity of any vote or voter, upon any ground of objection to such vote or voter, other than one of the grounds so specified and particularized; and that if any ground of objection shall be stated against any vote or voter, and no evidence shall be produced before such select committee, or before such commissioners, to substantiate the objection against such voter or voters, upon such ground of objection so stated, and if the select committee appointed for the trial of the petition whereon such proceeding shall arise, shall be of opinion that such proceeding was frivolous and vexatious, the said committee shall report the same to the house of commons, together with their opinion on the other matters relating to the said petition; and the party or parties against the votes or voters for whom any objection or objections shall be made, on which no evidence shall be produced, shall, in such case, be entitled to recover from the party or parties, by or on whose behalf any such objection or objections was or were made, the full costs and expences incurred by reason of such frivolous and vexatious objection or objections; which costs and expences shall be ascertained and recovered in the same manner and form as are now provided by law for the recovery of costs and expences in cases of frivolous or vexatious petitions, or frivolous or vexatious opposition to any petition.

5. AND be it further enacted, That when any select committee of the house of commons shall re-assemble to try and determine the merits of any petition under the said recited act, after any proceedings shall have been had by or before any commissioners appointed under the said recited act, for examining any matters which shall have been referred to them by such select committee, it shall and may be lawful for such select committee to send for all or any such books, papers, and records, or other written documents, as were produced in evidence before such commissioners, in like manner as such select committee might have done, if no such proceedings had been had by or before such commissioners, and without directing any warrant to the chairman of the said commissioners, and without ordering or directing the said commissioners to re-assemble: provided always, That such select committee shall, in all other respects, proceed to try the merits of such petition, in manner directed by the said recited act, and shall determine on all such matters and things as shall have been tried and examined by the said commissioners from the written minutes of the evidence and proceedings before the

specific objections to each; where objections are stated, in support of which no evidence is produced, they may be reported frivolous and vexatious.

Select committees, after proceedings before commissioners in Ireland, may send for papers, &c. produced before such commissioners without re-assembling the commissioners, but shall not enter into new points thereon.

said commissioners, and from the inspection of such books, papers, records, and documents, so far only as may relate to such evidence and proceedings; but such select committee shall not call for, or receive in evidence, any extracts from such books, papers, records, or documents, other than such as were received and produced before such commissioners, nor to any point, or matter not in issue before such commissioners.

Clerk to commissioners shall be paid three-pence per sheet only for copies of minutes and evidence.
See 42 G. 3. c. 106

6. AND be it further enacted, That the clerk to be appointed by any commissioners for the purpose of examining matters and things referred to them by any select committee, under the said recited act, shall, from time to time, make, or cause to be made, true copies of the minutes of all proceedings before such commissioners, and of all such evidence as shall be given or produced before them, and shall give one such copy to each of the parties interested, or his or their agent, or to such of them as shall demand the same, on being paid for each sheet of the said copy, consisting of seventy-two words, the sum of three-pence and no more; and that for copies of the said minutes and evidence to be transmitted by such clerk of the commissioners to the clerk of the crown in Ireland, and to the speaker of the house of commons in manner directed by the said recited act, such clerk shall receive from the lords commissioners of the treasury in Dublin, such sum as the said commissioners, whose clerk he was, shall think fit, not exceeding, in any case, the sum of three-pence for every sheet consisting of seventy-two words, which such copy shall contain, and no more; any thing in the said recited act to the contrary, notwithstanding.

Limiting the sum to be received by the clerk to the commissioners for copies of proceedings, &c.

7. PROVIDED always, and be it further enacted, That the sum to be received by any clerk to any such commissioners for such copies shall not, in any instance or under any rate of calculation, exceed the sum of fifty pounds for each such copy, containing as well the minutes of all proceedings as of all evidence given or produced before such commissioners, and delivered to either of the parties interested, or his agent, or transmitted to the clerk of the crown in Ireland, or to the speaker of the house of commons, respectively; any thing in this act, or in the said recited act, to the contrary notwithstanding.

Time for receiving recognizances from Ireland extended to 28 days.
See 28 G. 3. c. 52. s. 5.

8. AND be it further enacted, That the order for taking into consideration any petition relative to the trial of any controverted election, or return, or right of election, in Ireland, shall not be discharged until the expiration of twenty-eight days after such petition shall have been presented to the house of commons, by reason that the recognizance required by an act, made in the twenty-eighth year of his present majesty's reign, intituled, 'An act for the further regulation of the trials of controverted elections, or returns of members to serve in parliament, was not received by the speaker under the provisions of the said recited act, any thing in the said recited act to the contrary notwithstanding: and in case such recognizance shall not be received by the speaker before the expiration of the said

twenty-eight days, he shall report the same to the house; whereupon the house shall proceed in such manner as they would have proceeded under the said recited act, in case such recognizance had not been received by the speaker within the space of fourteen days, in the said act mentioned: Provided always, that nothing herein contained shall extend, or be construed to extend, to alter or enlarge the time for entering into such recognizances, under the provisions of the said recited act.

9. AND be it further enacted, That all the clauses, powers, penalties, and provisions in the said recited act of the forty-second year of his present majesty, mentioned and contained, and not hereby altered or repealed, shall be applied in execution of this act as fully and effectually, to all intents and purposes, as if the said clauses, powers, penalties, and provisions, were expressly repeated and re-enacted in this act.

Powers of 42
G. 3. c. 106.
extended to
this act.

ANNO 51^o GEORGII III. CAP. 77.

An Act to amend the Laws for regulating the Election, in Ireland, of Members to serve in Parliament.

A. D. 1811.

WHEREAS by an act made in the forty-fifth year of his present majesty's reign, intituled, 'An act for amending an act passed in the parliament of Ireland, in the thirty-fifth year of his present majesty, for regulating the election of members to serve in parliament, so far as relates to freeholds under the value of twenty pounds, and for making further and other regulations relating thereto,' it is among other things enacted, that every person who shall register a freehold under the yearly value of twenty pounds, not arising from a rent-charge, shall register the same twelve months previous to the test of the writ for holding the election at which he shall tender his vote in manner and form required by the said act, and for that purpose he shall produce, in open court, at a session of the peace, the deed, lease, or instrument under which his freehold arises, and take and subscribe the oath, or if a quaker, the affirmation, in form prescribed in the said act: and whereas doubts have arisen as to the words to be used in certain parts of such oath, or affirmation, respectively; for the obviating of all such doubts, be it enacted, &c. That every oath or affirmation which shall have been made at any time before the passing of this act, or which shall be made at any time after the passing of this act, for the purpose of registering his freehold as aforesaid, shall be, and the same is hereby declared to be good, valid, sufficient, and effectual in law, if the party making such oath or affirmation shall have stated, or shall state, in such oath or affirmation, that his freehold arises either by virtue of a deed, or by virtue of a lease, or by virtue of an instrument produced by him, or by virtue of a deed, lease, or instrument produced by him, whether all, or any, or either of the said terms, deed, lease, or instrument are used in such oath or affirmation; and that every such oath or affirmation shall be good, valid, suf-

45 G. 3. c. 59.

Sect. 1.

In what case
oaths respect-
ing registry of
freehold de-
clared valid.

sufficient, and effectual in law, in which either the whole yearly rent, or the yearly rent per acre, or such yearly rent per acre, together with the number of acres, shall be stated; and whether the amount of receiver's fees and duties is or is not included in the specified amount of such rent, or whether the sums have been, or shall be, set forth in figures or in words at length; and that every such oath or affirmation shall be good, valid, sufficient, and effectual in law, in which the actual occupation of such freehold shall be stated to be either by residing thereon, or by tilling or by grazing, or by tilling or grazing, or by both tilling and grazing, or by all, or any, or either of the said means, whether stated copulatively or disjunctively.

Months deemed calendar months.

2. AND whereas doubts have arisen, whether by the said recited term of twelve months, is meant calendar or lunar months; Be it declared and enacted, That the said term of twelve months shall be deemed and taken to mean twelve calendar months.

Papists taking oaths, &c. under 13 and 14 and 33 G. 3. (1.) c. 35-33 G. 3. (1.) c. 21, entitled to vote, as under 37 G. 3. (1.) c. 47.

3. AND be it further enacted, That any papist, or person professing the Roman Catholic religion, who, at any time before the passing of this act shall take and subscribe, at any time previous to his offering to poll at any election, the oaths and declarations contained in an act, passed in the thirteenth and fourteenth years of his present majesty's reign, entitled, '*An Act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him;*' and also an act passed in the thirty-third year of his present majesty's reign, intituled, '*An act for the relief of his majesty's popish or Roman Catholic subjects in Ireland,*' in some one of his majesty's four courts of Dublin, or at any assizes, or at a general sessions of the peace, or at any adjournment thereof, or at any adjournment of an adjournment thereof, to be holden for any county, city, or town wherein such papist, or person professing the Roman Catholic religion, doth or shall inhabit or dwell, in open court, or at any election in manner herein provided, shall be entitled to vote at such election in like manner as if he had taken and subscribed such oath and declaration, in manner and at the time required by an act, made in the parliament of Ireland, in the thirty-seventh year of his present majesty's reign, intituled, '*An act for the further regulation of the election of members to serve in parliament.*'

Returning officer to appoint persons to administer oaths, &c.

4. AND, in order that any person desirous of taking and subscribing such oaths and declarations at any election, may have an opportunity of so doing, Be it enacted, That from and after the passing of this act, when a poll shall be demanded at any election of a member or members to serve in parliament for any county, city, town, or borough in Ireland, the returning officer or officers at any such election, after such poll shall be demanded, shall, at the instance and request of any candidate or candidates at such election, under his or their hand or hands, immediately after such request, and before he or they shall proceed further in taking the poll, retain, nominate, and

appoint two or more justices of the peace (as the case may require) to administer the oaths and declarations required in and by the said herein-before recited acts, in some convenient part of the court or place where such election shall be carrying on, so as not to interrupt the poll; and the clerk of the peace, or a deputy by him appointed in writing under his hand for that purpose, shall attend such persons during the administration of such oaths and declarations, and shall give to every person so taking and subscribing such oaths and declarations a certificate thereof, in manner required by the said recited acts; and the persons to be appointed as aforesaid shall have full power, and they are hereby authorized and required, to administer all and every such oaths and declarations to every person desirous of taking and subscribing the same; and every such person so appointed as aforesaid, shall, immediately after such appointment and before he shall take upon him to act under such appointment, take the following oath, that is to say,

Clerk of the peace to give certificate to persons applying.

'I, _____, do swear, That I will faithfully and impartially administer the oaths and declarations now required to be taken and subscribed by papists, or persons professing the Roman Catholic religion, by an act passed in the thirteenth year of his present majesty's reign, intituled, 'An act to enable his majesty's subjects, of whatever persuasion, to testify their allegiance to him;' and also another act, passed in the thirty-third year of his present majesty's reign, intituled, 'An act for the relief of his majesty's popish or Roman Catholic subjects in Ireland.' And every clerk of the peace, or his deputy so appointed for the purpose as aforesaid, shall at the same time take the following oath; that is to say,

Oath by persons administering oaths. 13 & 14 G. 3. (1.) c. 35.

33 G. 3. (1.) c. 21.

'I, _____, do swear, That I will, on being thereunto requested, fairly and truly give to every person who shall now take and subscribe the oaths and declarations required by law to be taken by persons professing the Roman Catholic religion, in order to entitle them to vote at any election, before the commissioners appointed by the returning officer for that purpose, a certificate thereof as required by law; and that I will not give any such certificate to any person before he shall have taken and subscribed such oaths and declarations as shall be mentioned in such certificate, before me and in my presence.'

Oath by the clerk of the peace.

Which oath, to be taken by the several persons respectively so to be appointed, the returning officer or officers, or any of them, is and are hereby authorized and required to administer.

5. AND whereas, by the said recited act of the thirty-third year of his present majesty's reign, it is enacted, That the names of such persons who shall so take and subscribe the said oaths and declarations, with their titles and additions, shall be entered upon rolls for that purpose to be appointed by the said respective courts; and that the said rolls shall be transmitted to and deposited in the Rolls Office in the city of Dublin, to remain amongst the records

33 G. 3. (1.) c. 21. s. 15. Proper officer to transmit to the office of rolls, rolls, containing names, &c. of persons taking oaths, &c.

thereof, Be it therefore enacted, That the officer of the court, where such oaths and declarations shall have been taken and subscribed, shall, on or before the first day of January, one thousand eight hundred and twelve, transmit to the said office of the rolls all such rolls as shall not have been duly transmitted before the passing of this act; and such officer shall also, within fourteen days after the first day of January in each and every subsequent year, transmit to the said office of the rolls, all rolls containing the names, titles, and additions of all persons who shall have taken and subscribed such oaths and declarations, which shall remain in the office of such court, previous to such first day of January in each year.

Officer to enter in a book names, &c. of persons contained in such rolls.

6. AND be it further enacted, That such officer shall, previous to his transmitting such rolls as aforesaid to the Rolls Office, justly and truly enter in a book, in alphabetical order, the names, residence, and additions of all persons whose names shall be entered in such rolls, and such book shall be open to the inspection of any person requiring to see the same, on paying to such officer a fee of two shillings and sixpence; and in case any person, who shall have taken and subscribed, or who shall hereafter take and subscribe, such oaths and declarations in such court, shall, at any time after the passing of this act, be desirous of obtaining a certificate thereof, and shall demand the same from such officer; and if, upon reference to such book, it shall appear that the name, with the residence of such person, is contained therein, and that such person so demanding a certificate, shall verify on oath, that he actually did, at any former time, take and subscribe such oaths and declarations in such court, then such officer shall, on demand, give to such person a certificate thereof in manner required by the said recited act.

In what case new certificate allowed.

7. AND be it further enacted, That if the vote of any person to whom such certificate shall be given shall be refused on account of the invalidity of any such certificate, as not being in the form required by law, it shall and may be lawful for such person or persons to demand from the clerk of the peace, his deputy, or other proper officer, a new and sufficient certificate in the form required by law, on paying to such officer a fee of one shilling; and such person shall be permitted to poll, (if in all other respects duly qualified,) upon producing such new certificate, notwithstanding such former refusal.

Officer of court neglecting to transmit rolls or make out lists, &c.

8. AND be it further enacted, That every such officer of court who shall neglect or omit to transmit, in manner and within the time required as aforesaid, the said rolls to the Rolls Office, or who shall refuse or neglect to make such alphabetical lists, or who shall omit from such alphabetical list the name of any person entered on such rolls and entitled to any such certificate as aforesaid, or who shall insert in such alphabetical list the name of any person not so entered and entitled, or who shall refuse or neglect to give any certificate herein required to be given, shall, for every such offence, forfeit the sum of one hundred pounds; to be

Penalty.

recovered by bill, plaint, or information, in any of his majesty's courts of record in Dublin.

The following is the OATH of ALLEGIANCE prescribed to be taken by an Act passed in the thirteenth and fourteenth Years of his present Majesty's Reign, intituled, ' An Act to enable his Majesty's Subjects, of whatever Persuasion, to testify their Allegiance to him; and referred to in the foregoing Acts.

' I, A. B., do take Almighty God, and his only Son Jesus Christ, my redeemer, to witness, That I will be faithful, and bear true allegiance to our most gracious sovereign, lord king George the Third, and him will defend, to the utmost of my power, against all conspiracies and attempts whatever that shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty, and his heirs, all treasons, and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown in his majesty's family, against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of Prince of Wales, in the life-time of his father, and who, since his death, is said to have assumed the stile and title of King of Great Britain and Ireland, by the name of Charles the Third, and to any other person, claiming or pretending a right to the crown of these realms; and I do swear, that I do reject and detest, as unchristian and impious to believe, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics; and also that unchristian and impious principle, that no faith is to be kept with heretics; I further declare, That it is no article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated by the pope and council, or by any authority of the see of Rome, or by any authority whatsoever, may be deposed, or murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain, or abet any such opinion, or any other opinion, contrary to what is expressed in this declaration; and I do declare, that I do not believe that the pope of Rome, or any other foreign prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm; and I do solemnly, in the presence of God, and of his only Son Jesus Christ, my redeemer, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever; and without thinking that I am, or can be acquitted before God or man, or absolved of this declaration,

or any part thereof, although the pope, or any other person or persons, or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void from the beginning. 'So help me God.'

ANNO 60^o GEORGII III. CAP. 7.

An Act to amend an Act of the Forty-second Year of the Reign of His present Majesty, for regulating the Trial of controverted Elections or Returns of Members to serve in the United Parliament for Ireland. A. D. 1819.

WHEREAS by virtue of the regulations of an act passed in the forty-second year of the reign of his present majesty, intituled, An act for regulating the trial of controverted elections or returns of members to serve in the united parliament for Ireland, certain commissioners may be appointed for the purposes of examining all such matters and things as shall be referred to them by a select committee appointed to try and determine the merits of any petition complaining of an undue election or return of a member or members to serve in the united parliament for Ireland: and whereas the said commissioners are by the said act directed to transmit a copy of the minutes of their proceedings to the speaker of the house of commons, within ten days after the evidence before them shall be closed: and whereas the said speaker is directed by the said act, within two days after he shall have received such copy, to insert in the London Gazette a warrant signed by him, directing the select committee on the petition in question to re-assemble and meet again within the space of one month from the date of such warrant, provided parliament shall then be sitting: and whereas, under the provisions of the said act, the day which may be so appointed may happen to be at a time when the house of commons may be adjourned: and whereas it would be inconvenient that such committee should re-assemble and meet when the said house may be so adjourned; in order to remedy such inconvenience, be it enacted, &c. That if the speaker of the house of commons shall receive a copy of such proceedings when the house of commons shall be adjourned for a longer period than one month from the day on which the said speaker is directed to insert in the London Gazette his warrant for the re-assembling and meeting of any such committee, that then and in such case the said speaker shall, in such warrant, direct such committee to re-assemble and meet within one month next after the day to which the house may be adjourned; and if the said speaker shall have directed the committee to meet on any day, and if the house of commons shall subsequently adjourn to a day beyond the day so appointed for the re-assembling and meeting of such committee, that then and in such case the said speaker shall insert another warrant in the next London Gazette after such adjournment, directing such committee to re-assemble and meet within one month next after the day to which the said house may be adjourned, instead

42 G. 3. c. 106.
s. 4.

Sect. 23.

Sect. 26.

The speaker, on receiving a copy of proceedings, to direct the committee to meet within a limited time after the time to which the house may be adjourned.

of on the day first appointed, in pursuance of the provisions of the said recited act.

2. AND whereas it may be found impracticable, in some instances, on account of the quantity of evidence taken before such commissioners, for such commissioners to transmit a copy of the minutes of their proceedings to the speaker of the house of commons, within ten days after the evidence before them shall be closed; be it therefore enacted, that the said commissioners shall, in such cases, transmit such copy with all convenient dispatch, and at the same time assign the reasons for such delay; which reasons the select committee upon the petition in question are hereby directed to investigate, and report their opinion thereupon to the house, at the time they make report on the merits of such petition.

Commissioners to transmit copy of minutes of proceedings to the speaker, assigning reasons for delay, which committee may investigate.

ANNO 1^o GEORGIIV. CAP. 11.

An Act for the better Regulation of Polls, and for making further Provision touching the Election of Members to serve in Parliament for Ireland.

A. D. 1820.

WHEREAS the provisions contained in an act made in the fifty-seventh year of the reign of his late majesty, intituled, 'An act for the better regulation of polls, and for making other provisions touching the election of members to serve in parliament for places in Ireland,' have been found inadequate for all the purposes intended; Be it therefore enacted, &c. That from and after the passing of this act, the said recited act, and all the clauses and provisions therein contained, shall be and the same is and are hereby repealed.

57 G. 3. c. 131.

Recited act repealed.

2. AND for the further amending the laws for regulating the election of members to serve in parliament for Ireland by assimilating the same, as far as it may be expedient to the laws for regulating the election of members to serve in parliament for England, and for the providing for the more expeditious taking of polls, be it enacted, That from and after the passing of this act, every poll which shall be demanded at any election of a member or members to serve in parliament for any county, city, borough or other place in Ireland, shall commence on the day upon which the same shall be demanded, or upon the next day after at farthest (unless such day shall happen to be a Sunday, Christmas-day, or Good Friday, and in such case on the day then next after) and shall be duly and regularly proceeded in from day to day, for so many hours of each polling day as the returning officer or officers is or are by this act directed to keep the poll open (Sundays, Christmas-day, and Good Friday always and only excepted) until the same be finished; but so that no poll for the election of a member or members to serve in parliament for any county, city, borough or other place in Ireland, shall continue more than fifteen days at the most (Sundays, Christmas-day, and Good Friday always excepted;) and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the

Polls shall begin on the day when demanded, or the day after, and continue daily; and conclude at three o'clock on the fifteenth day, (Sundays, Christmas-day, and Good Friday excepted.)

Return shall be made on the fifteenth day.

Poll books to be delivered to the clerk of the peace or other person having custody of the records.

Certification on the back of the return.

Sheriff shall indorse on writs for county elections the time of receiving thereof, and within two days shall make proclamation of the day for holding the election; and affix notice on the court house.

hour of three in the afternoon of the same day, and the returning officer or officers at every such election shall immediately after the final close of the poll, truly, fairly, and publicly declare the name or names of the person or persons who hath or have the majority of votes on such poll, and shall forthwith make a return of such person or persons.

3. AND be it further enacted, That in every case in which a poll shall take place as aforesaid, the returning officer shall, within twenty-one days of the final close of such poll, deliver all the poll-books of such election to the clerk of the peace for such county, county of a city, or county of a town, if such election shall be held for a county, county of a city, or county of a town, or if in any other place, then and in such case to the officer who has the custody of the records of such place, verifying upon oath (which oath any justice of the peace for such county, county of a city, county of a town or place is hereby empowered to administer,) that the poll books which he delivers in are the original poll books of such election upon which the return was founded, and that from the final close of the poll to the time he delivers in the same there has not been any obliteration, erasure, addition, or alteration made therein, and such poll books shall be carefully kept amongst the records of such county, county of a city, county of a town, or place; and the production of such poll books by such clerk of the peace or officer, or his deputy, shall be deemed sufficient evidence of the authenticity thereof, unless the same shall be disproved.

4. AND be it further enacted, That in every case in which a poll shall take place at any election for any county, county of a city, or county of a town or place, the returning officer shall certify on the back of such return to the writ for holding such election the names of the candidates, the numbers who voted for each candidate as it appeared at the final close of the poll, and such certificate shall be admitted as evidence of the truth of the facts therein certified, unless disproved by contrary evidence.

5. AND be it further enacted, That immediately after the receipt of the writ for making an election for any county, the sheriff of such county shall, and he is hereby required to indorse thereon the date of receiving the same; and that such sheriff shall, within two days after the receipt of such writ, cause proclamation of the time and place of holding such election, to be made at the place where the ensuing election ought by law to be holden, between the hours of ten of the clock in the forenoon and two of the clock in the afternoon; and that the said sheriff on the same day shall cause to be affixed on the doors of the county court house, public notice, signed by himself, of a special county court to be there holden for the purpose of such election only, and which shall be holden on some day (Sunday, Christmas-day, and Good Friday excepted) not later from the day of making such proclamation and affixing such notice, than the sixteenth day, nor sooner than the tenth day; and that the mayor, sovereign, portrieve, provost, burgomaster, bailiff,

or seneschal, of any borough or other place in such county, shall, from and after the first day of April one thousand eight hundred and twenty, hold the election for the same not later than eight days after he has received the precept of the sheriff of such county, having in the usual public place in such borough or other place caused to be affixed a notice under his hand, of the time and place of holding such election four days at the least preceding the day of election; and that the sheriff or sheriffs of a county of a town, or a county of a city, shall, from and after the first day of April one thousand eight hundred and twenty, hold the election for such town or city not later than eight days from the day of receiving the writ, having in the usual place of such city or town caused to be affixed notice under his or their hand of the time and place of holding such election, four days at the least preceding the day of the election.

Day of election shall be between the tenth and the sixteenth day after proclamation.

6. AND be it further enacted, That whenever in any one barony or half barony of any county, or in any county of a town or county of a city, the number of freeholders appearing by the books of the clerk of the peace capable of voting at any election for the same, shall exceed eight hundred freeholders, it shall and may be lawful for the returning officer or officers, and such returning officer or officers is and are hereby required to provide two or more places of polling for such barony or half barony, or for such county of a town or county of a city, and to make such a division or divisions of the freeholders of such barony or half barony, or of such county of a town or county of a city, according to the first letters of their names, that it shall not be necessary for more than eight hundred freeholders to poll in any one place for polling, but so as not to divide the names beginning with the same letter of the alphabet, and that it shall and may be lawful for the returning officer or officers, and he and they is and are hereby required to provide as many more places of polling as may be necessary for this purpose, and to appoint as many additional deputies and poll clerks as shall be necessary to take the poll in such additional places of polling, not exceeding one deputy and one poll clerk for each such place of polling.

Whenever more than 800 freeholders are registered in one barony, an alphabetical division of the freeholders shall be made, that not more than 800 shall poll at one place of polling.

7. AND be it further enacted, That it shall and may be lawful to and for the returning officer or officers, at any election for a member to serve in parliament for any county, city, borough or other place, and he and they is and are hereby required, to erect a booth or hire a building, unless there shall already be some fit and convenient place for the purpose, wherein he or they may and shall decide all the disputed questions, and all the objections to votes, that may be referred to him or them, and which booth or building or other place shall be separate from and exclusive of the number of booths or buildings, or other places necessary for the polling of the electors; and such returning officer or officers is and are hereby required to give his or their constant attendance in such separate booth, building, or other place during the entire number of hours that the polling shall continue each day, any act to the con-

Sheriff shall attend at a booth separate from polling booths, to decide disputed questions.

trary notwithstanding, and to proceed without suffering any delay or interruption to take place in deciding all disputed questions, and all the objections to votes, which shall be referred to him or them from the polling booths; and that the returning officer or officers at any election for any city or borough is and are hereby required and empowered to appoint a deputy or deputies to take the poll at any such election; and that the returning officer's deputy, in each place of polling, shall appoint such one person for each candidate, as shall be nominated to him by each candidate, to be an inspector of the clerk who shall be appointed for taking the poll, and the agent of such candidate in each place of polling; and such one other person for each candidate as shall be nominated by each candidate, to be a clerk for keeping a check book of the poll book in each place of polling.

Clerk of the peace shall appoint a person to attend at election with registry book and original affidavits of registry, alphabetically arranged, &c.

8. AND be it further enacted, That the clerk of the peace, at every election of a member to serve in parliament for any county, county of a town, or county of a city, shall appoint, or in failure thereof the returning officer or officers shall appoint a deputy clerk of the peace, and likewise an assistant to such deputy, to be present in each place of polling, who shall take with him into such place of polling the registry book belonging to the barony or half barony, or county of a town or county of a city, to be polled in such place of polling, and all the original affidavits or affirmations which have been made by the persons capable of voting in such place of polling respectively, any act to the contrary notwithstanding; which affidavits or affirmations the clerk of the peace is hereby required to have arranged alphabetically in separate parcels, (one or more for each letter of the alphabet), and endorsed with the names of the persons by whom the same were respectively made, and also with the number of the entry of each affidavit or affirmation in the registry book; and that in those cases wherein a certificate of registry shall not be produced by the person tendering his vote or offering to poll, such deputy shall, on the demand of the returning officer's deputy, produce the original affidavit or affirmation of the registry of such person; and that such deputy clerk of the peace shall be entitled to receive the sum of ten shillings and no more for each day of his attendance, any act to the contrary notwithstanding; and such assistant to such deputy shall be entitled to receive the sum of five shillings for each day of his attendance; and that if such deputy, or such assistant to such deputy, shall alter, deface, destroy or lose any affidavit or affirmation of registry committed to his care, he shall forfeit the sum of ten pounds for every such offence, to any person suing for the same, by action of debt at any general quarter sessions of the peace.

On demand of candidates, returning officer shall appoint interpreters.

9. AND be it further enacted, That it shall and may be lawful to and for the returning officer or officers at any election, and he or they is and are hereby required, on the demand in writing of any candidate, to appoint a sufficient number of competent persons to act as interpreters,

in order to translate faithfully such oaths, affirmations, and such questions and answers, as are required to be taken, made, asked, or given, at any election; and that every such interpreter shall, immediately after such appointment, and before he shall proceed to act under such appointment, take the following oath; and every returning officer is hereby required and empowered to administer the same:

'I, A. B., do swear, that I will faithfully interpret such oaths, affirmations, questions, and answers, as I shall be directed to interpret by the returning officer or officers, and his or their deputy or deputies, [*as the case may be.*]

Oath to interpreters.

And that every such person so appointed for the purpose aforesaid, shall be entitled to receive the sum of ten shillings for each day of his attendance.

Allowance to them.

10. AND be it further enacted, That in every case in which any person shall tender his vote or offer to poll at any election for a member to serve in parliament for a county or a county of a town, or a county of a city, by virtue of a freehold, the returning officer's deputy shall, in the first place, refer to the entry of the affidavit or affirmation of the registry of the same in the registry book, and write down, opposite to the same, the initial letters of his name; and then he shall refer to the certificate or affidavit of the registry of the same; and that if any such person shall produce a certificate of the registry of his freehold, corresponding with such entry of the original affidavit or affirmation, without any erasure or interlineation therein, signed in open court by two justices, and countersigned by the acting clerk of the peace, in such manner as is directed by an act made in the parliament of Ireland, in the thirty-fifth year of his late majesty's reign, intituled, 'An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned,' or signed in such manner as is directed by this act, or any other act, when the freehold is situated in a county of a town or a county of a city, such certificate shall, without further proof, be deemed of equal authenticity with the original oath or affirmation, and conclusive evidence that such person so tendering his vote, or offering to poll, had registered such freehold; and the returning officer's deputy shall write down the initials of his name upon the margin of such certificate; and that in all cases wherein no such certificate shall be produced by the person tendering his vote or offering to poll, or wherein such certificate, if produced, shall appear to the returning officer's deputy not to be in manner and form as aforesaid, it shall and may be lawful for the returning officer's deputy, and he is hereby required, to direct the deputy clerk of the peace to produce the original affidavit or affirmation of the registry of the freehold of such person so tendering his vote or offering to poll.

Deputy to refer to registry book, and certificate of registry deemed conclusive evidence, and in default thereof, the original affidavit.

11. AND be it further enacted, That at any election for a member or members to serve in parliament for any county, city, borough, or other place, the returning officer's deputy

Oath of electors shall be administered and made by

the returning officer's deputy.

shall, if required by any candidate, or the inspector of any candidate so to do, in person administer, in the place of polling in which he presides, an oath in the following form, to every person separately, who shall tender his vote or offer to poll at such election, and immediately after the production of the certificate or affidavit of registry, when any such person votes by virtue of a freehold; that is to say,

Form of oath.

'I, A. B., do swear [or, being a quaker or Moravian, do solemnly affirm,] that I will true answer make to all such questions as the sheriff's or other returning officer's deputy [as the case may be] presiding in this booth shall demand of me; and I do also swear, [or being one of the people called quakers or Moravians, do solemnly affirm] that I have not polled before at this election; and that I am, as I believe, twenty-one years of age. 'So help me God.'

And that immediately after any person so tendering his vote, or offering to poll at any election for a member to serve in parliament for a county, or a county of a town, or a county of a city, shall have taken such oath or affirmation, the returning officer's deputy shall, if required by any candidate, or the inspector of any candidate so to do, put the following questions, and no others, without allowing any person to interrupt him, to every such person so tendering his vote, or offering to poll, any act to the contrary notwithstanding; and that the poll clerk shall forthwith write down the entries on the poll book, that he is hereinafter required to make according to the answers which every such person shall give to the said questions; and that if any of the said questions shall not be required to be put, then according to the entry of the voter's registry in the registry book.

Form of examination of each voter.

1. What is your name?

2. Where do you reside?

3. Do you swear that you are possessed of a freehold in the county of [naming the county, or county of a town, or county of a city for which the election is held]?

4. Where is it situated?

And that the returning officer's deputy shall then, if required by any candidate, or the inspector of any candidate so to do, refer to the certificate of registry, if one be produced by the person tendering his vote or offering to poll, or if none be produced, to the original affidavit of registry, and then shall immediately ask, if required by any candidate, or by the inspector of any candidate so to do, without making or allowing any other person to make any comments or observations upon the said certificate or affidavit, the following question:

5. Is the freehold described in this certificate, or, affidavit of registry [as the case may be], the same freehold which you now swear you are possessed of, and by virtue of which you now offer to vote?

And that in case it shall appear to the returning officer's deputy, from the certificate or affidavit of registry, that any

person shall tender his vote, or offer to poll, in respect of a freehold of the value of forty shillings only, the said deputy shall then, if required by any candidate, or the inspector of any candidate so to do, put the following questions :

6. Do you swear that you have been in the actual occupation of this freehold, as described in your certificate or affidavit of registry, [as the case may be] by tilling it, or by grazing it, or by residing upon it, during the whole of the last twelve months ?

7. Do you swear, that this freehold is now of the clear yearly value of forty shillings, above all charges payable out of the same ?

And that whenever the entry of the affidavit or affirmation of the registry of any such person shall appear in the registry book ; and that any such person shall have produced such a certificate of registry as is hereinbefore described ; or that the original affidavit or affirmation of registry shall have been produced by the deputy clerk of the peace ; and that any such person so tendering his vote or offering to poll, shall have taken the oath required as aforesaid, and shall have answered the questions that shall have been demanded of him as aforesaid, such deputy shall then ask him the following question :

8. For whom do you vote ?

And that his vote shall be entered on the poll book according to his answer ; unless an objection be made thereto by an inspector of one of the candidates appointed in the manner hereinbefore directed ; and that if it shall appear to such deputy, from the answers which shall be given by any person to the first four questions aforesaid, that his freehold arises from a rectory, vicarage, curacy, or other ecclesiastical preferment, the said deputy shall forthwith proceed to ask him, ' For whom do you vote ? ' and his vote shall be entered on the poll book according to his reply, unless an objection be made thereto by an inspector of one of the candidates, appointed in the manner hereinbefore directed ; provided always, that it shall and may be lawful to and for the returning officer's deputy to take the vote of any person tendering his vote or offering to poll, whose freehold appears on the registry book, without referring to the certificate or affidavit, or affirmation of registry, or without administering any oath or putting any question to such person, except the question, ' For whom do you vote ? ' if he be not required by any candidate, or any inspector of any candidate so to do ; and provided always, that if an entry of the affidavit or affirmation of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book ; or that if any person tendering his vote or offering to poll shall not either produce such a certificate of registry as is hereinbefore described, or be able to refer to an original affidavit or affirmation of his registry in the possession of the deputy clerk of the peace, or that

Elector answering directly, shall then poll, if not objected to.

In what cases votes may be taken without oath or putting questions, &c.

if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer's deputy, or that the person so examined shall admit in his answer or answers to said question or questions, that he is not the person whose freehold is registered, or that he has no freehold, or that the freehold described in his certificate or affidavit, or affirmation of registry (as the case may be) is not the freehold for which he tenders his vote, or that he has not been in the occupation thereof for the whole of the last twelve months, or that the same is not at the time of tendering his vote, of the value of forty shillings above all charges payable out of the same, then and in every or in any such case, it shall and may be lawful to and for such deputy, and he is hereby required, authorized, and empowered, to direct such person to withdraw from the place of polling, and to proceed immediately to receive the vote of the next person who shall tender his vote or offer to poll.

Where a vote is objected to, a memorandum of the objection shall be made by the poll clerk for the returning officer to decide.

XII. AND be it further enacted, That at any election for a member to serve in parliament for any county, city, borough, or other place, no objection shall be made to a vote until after the person tendering the same shall have declared for whom he votes; and that if the vote of any person shall be then objected to by an inspector of any candidate, the poll shall not be on that account delayed, but the returning officer's deputy shall direct the poll clerk to enter a memorandum on the poll books, shewing to which candidate or candidates such person has given his vote; and he shall immediately proceed to receive the vote of the next person who shall tender his vote or offer to poll; and that the inspector who shall have made the objection on behalf of any candidate shall instantly write down a memorandum, on a printed form to be provided by the returning officer, containing the name of the voter, the place of his abode, and the nature of the objection or objections, and sign and date the same, and shall give the same to the returning officer's deputy, who shall sign the same with the initial letters of his name, and then give the same to the assistant deputy clerk of the peace, who shall take the same, together with the certificate, or affidavit or affirmation of registry, if it shall be necessary so to do, to the returning officer to decide on the validity thereof; and that it shall thereupon be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, and his or their assessor only, to order the voter to attend before him or them during the inquiry into his vote; and for such returning officer or officers, or his or their assessor, to examine such voter, by such questions as such returning officer or officers, or his or their assessor, shall think necessary to ask, as to any objection or objections made to his vote; and such returning officer or officers, or his or their assessor, shall administer an oath to such voter in the form following:

'I, A. B., do swear [or, being a quaker or Moravian, do solemnly affirm], that I will true answers make to all such questions as shall be here put to me by the returning officer or officers, or his assessor [as the case may be].

'So help me God.'

And that if the vote shall be allowed, the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, 'allow this vote;' and that if the vote shall be disallowed, then the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, 'reject this vote;' and that in either case the returning officer or officers, or his or their assessor, shall write down the initials of his or their name or names under the words so directed to be written down upon the memorandum; and the returning officer or officers, or his or their assessor, shall then deliver the said memorandum to the same assistant deputy clerk of the peace who had brought it to him or them, to be forthwith carried back to the returning officer's deputy; and that such deputy shall either reject such vote, or order the poll-clerk to enter the same upon the poll for the candidate or candidates to whom it had been given, according as he shall be directed by the returning officer or officers, or his or their assessor; and that every such memorandum shall be preserved by such deputy, and be delivered by him to the returning officer or officers, to be attached to the poll books at the close of the election; and that the form of the said memorandum so to be prepared as aforesaid, shall be as follows:

Proceedings
of returning of-
ficer in allow-
ing or reject-
ing votes.

<i>Barony of</i>			
Number in the Registry Book.	Name of Voter.	Abode of Voter.	Objection.
			(Signed) Dated Day of 18
Allow this Vote. (Signed)		Reject this Vote. (Signed)	

PROVIDED always, that in case any objection be taken to any vote, which shall not be in substance different from one previously ruled by the returning officer or officers, or his or their assessor; or in case any objection be taken which shall appear to such deputy to be frivolous, or taken for the purpose of delay, that then in every such case it shall not be lawful to and for the deputy to transmit the memorandum containing such objection to the returning officer or officers; and that in every such case such deputy shall admit the vote, so objected to, to be entered upon the poll.

Instructions
to be observed
by deputies.

13. AND be it further enacted, That every returning officer shall give such instructions in writing to his deputy or deputies appointed for taking the poll at any election, as may be necessary to point out to him or them what is required of him or them to be done in respect of the objections to votes which may be made, and in respect of the manner of transmitting them to such returning officer or officers; and that every such deputy shall obey such in-

structions, and any other instructions which may be given to him or them by the returning officer or officers in respect of the due performance of his or their duty.

14. AND be it further enacted, That it shall be lawful for any other person whatever, other than the returning officer or officers, or his or their assessor, to ask any question of any person who shall be examined by the returning officer or officers, or his or their assessor, on account of his vote having been objected to; or for any person to interfere with or suggest any question to such returning officer or officers, or his or their assessor, respecting the examination of such person; and that it shall and may be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, or of his or their assessor only, to permit a barrister or barristers to argue any question of law before him or them, on the evening of any polling day after the poll has been closed; any act to the contrary notwithstanding.

Returning officer only to examine voters objected to; counsel may argue points of law.

15. AND be it further enacted, That it shall not be lawful for any deputy of any returning officer, to put any questions to any person tendering his vote or offering to poll at any election for a member to serve in parliament for a county, or a county of a town, or county of a city, save and except those questions herein-before directed to be put, or to make any comments or observations on the answers which may be given to the same; or on any matter or thing relating to any vote which may be tendered before him; and that if any objection be made to any vote at any election for a county, city, borough, or other place, such objection shall be forthwith referred by the returning officer's deputy, as herein-before directed, to the returning officer; and that it shall not be lawful for any such deputy to investigate the right of any person to vote, further or otherwise than as herein-before directed, or to reject the vote of any person without reference to the returning officer.

Deputies shall not reject votes, or examine voters, except as before provided.

16. AND be it further enacted, That it shall not be lawful for any person, whether barrister, attorney, inspector, agent, candidate, or elector, or any other person whatever, to plead or speak in any place of polling during the time of polling, on any matter or thing concerning the polling, or concerning the refusal of any returning officer's deputy to transmit an objection to a vote to the returning officer or officers, as herein-before provided for, or to ask any questions of any person tendering his vote or offering to poll.

Restraining persons from pleading or speaking in deputy's booth.

17. AND be it further enacted, That from and after the passing of this act, it shall not be lawful for any person at any election to require any elector to take any oath or oaths, of the nature of a rentcharger's or freeholder's oath, to shew the possession, situation, tenure, value, or any other circumstance touching or concerning his freehold, in order to enable him to vote at such election, save and except the oath or oaths herein required to be taken; any act to the contrary notwithstanding; and that every returning officer's deputy is hereby authorized and empowered to administer to every elector the bribery oath or affirmation, if required

Oaths to be required, as are hereby appointed.

by any candidate, or by the inspector of any candidate, or by any elector, so to do.

Improper
votes to be
taken off the
poll by the re-
turning officer
on complaint
of candidate.

18. AND be it further enacted, That if any person shall be admitted to poll at any election for a member to serve in parliament for a county, city, borough, or other place, who has polled before at such election, or who has personated another elector for the purpose of polling at such election, or who has polled by virtue of a forged certificate of registry, or who has polled by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein; or by virtue of a registry of an alleged freehold under a lease of land or tenements, for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; it shall and may be lawful for the returning officer or officers, and they are hereby required, authorized, and empowered, upon the complaint of any candidate, to take the vote of such person off the poll, at any time before the final closing of the same: provided always, that the act complained of, as having been committed by such person be set forth and described, and positively declared to have been committed by such person, in an affidavit to be sworn before a justice of the peace, and that such affidavit be delivered to the returning officer or officers; and further, that the act complained of shall appear to the returning officer or officers, upon a due examination of one or more credible witness or witnesses concerning the same, upon his or their oaths, to be proved to have been committed by such person, which oath or oaths the returning officer or officers is or are hereby authorized and empowered to administer; and that the returning officer or officers shall examine all such cases between the hours of seven of the clock and ten of the clock of the afternoon of each polling day, except on that day on which the poll shall be finally closed, unless all the objected votes referred to such returning officer or officers by his or their deputies shall have been decided and disposed of: Provided always, that the affidavit setting forth every such complaint, shall be delivered to the returning officer or officers on the same day on which the act complained of shall have been committed.

Appointing
the hours for
commencing
and ending the
poll each day.

19. AND be it further enacted, That the returning officer or officers at every election for a member to serve in parliament for any county, city, borough, or other place, shall cause the poll to be kept open in every place, and on every day of polling, from nine of the clock in the morning, except on the first day of polling, until six of the clock in the afternoon, except on the last day of polling, between the fifteenth day of April and the fifteenth day of September; and from nine of the clock in the morning, except on the first day of polling, until five of the clock in the afternoon, except on the last day of polling, between the first

teenth day of September and the fifteenth day of April; and that in case any disputed questions, or any objections to votes referred to him or them, by his or their deputy or deputies, shall not be decided during the time for which the poll shall be so kept open, the returning officer or officers shall give his or their attendance in his or their own booth or other place of sitting, and proceed to decide the same, from seven of the clock to ten of the clock of the afternoon of each polling day, except on the last day of polling.

20. AND be it further enacted, That it shall and may be lawful for the returning officer or officers, at any election for a member to serve in parliament for any county, city, borough, or other place, and he and they is and are hereby required, on any day after the fourth day of polling, computing therein the day on which the poll shall be commenced, to close finally the poll in any booth or place of polling in which no more than twenty persons have polled, or been referred for decision to the returning officer or officers during that day: Provided always, that in case it shall appear, upon the evidence of two or more credible witnesses taken upon oath, and which oath the returning officer or officers is and are hereby empowered to administer, to the returning officer or officers, that any persons intending to offer themselves to poll in such booth or place of polling, have been prevented by force and violence from coming to the same for the purpose of polling on that day, that then and in every such case it shall be lawful to and for the returning officer or officers to keep such booth or place of polling open for another day, and so on from day to day, if such force and violence be repeated, and be found to have taken place on such evidence as aforesaid, to the satisfaction of the returning officer or officers.

After the fourth day returning officer may close any booth when twenty have not polled in the day.

21. And be it further enacted, That the sheriff of a county shall not appoint any person to act as his deputy at any election, unless such person shall have a freehold estate of the yearly value of fifty pounds at least, above all charges; and that such sheriff shall demand upon oath of such person, whether such person has a freehold estate of that value, at the time when he shall administer to him the oath required by law to be taken by every sheriff's deputy.

Qualification of deputy sheriffs.

22. AND be it further enacted, That at any election of a member to serve in parliament for any county, city, borough, or town, it shall be lawful to and for the returning officer or officers to summon all constables, bailiffs, and other peace officers, to attend the places of polling, and to keep the peace at such election, and to perform such other things as shall be assigned to him by the returning officer or officers, and to appoint any number of special constables that he or they may think proper to aid and assist therein; and that every such constable, bailiff, or peace officer, who shall be so employed, shall be entitled to receive the sum of five shillings for each day of his attendance; and that every constable, bailiff, or peace officer, when so summoned, who shall neglect to attend during the whole of such election, or to obey the lawful commands of the returning officer or

Returning officer may summon constables, bailiffs, &c. to attend elections, and remunerate them.

officers, shall forfeit such office of constable, bailiff, or other peace officer, and all salary due to him in respect thereof.

Returning officer may commit persons obstructing the poll.

23. AND be it further enacted, That it shall and may be lawful to and for the returning officer or officers, or his or their deputy or deputies, at any election, and he and they is and are hereby authorized and empowered, to commit all persons to gaol, without bail or mainprize, who shall plead or speak on any matter or thing concerning the polling, or concerning any objection to a vote, or concerning the refusal of any deputy to transmit an objection to the returning officers or officer, or put any question to any returning officer, deputy, or elector, in any place of polling, or in the booth or other place of sitting of the returning officer or officers, contrary to the provisions of this act, or who shall be found rioting or interrupting the poll, or wilfully preventing the approach of electors to the place of polling, or who shall be guilty of a contempt to such returning officer or officers, or to such deputy or deputies; provided that the time of such imprisonment shall not in any case exceed twenty-four hours.

In case of death or illness of returning officer, the first sworn deputy shall perform the duty.

24. AND be it further enacted, That in case of the death or the severe illness of any returning officer, during the continuance of the poll at any election, it shall and may be lawful for the first sworn deputy, and he is hereby required, under the penalty of forfeiting five hundred pounds to any person who shall sue for the same, to proceed with the poll, and to act in every respect for all the purposes of the election, and with all the power and authority to do any act required by law to be done by a returning officer at any election, as if he had been originally the returning officer; and that such deputy shall take the oath directed by law to be taken by the returning officer at the commencement of the poll, which oath any two justices of the peace are hereby authorized to administer; and that such deputy shall proceed with the poll, and finally close the same at the time herein-before required, and make a return of the person or persons who hath or have the majority of votes, unless his authority shall be superseded by the recovery of the returning officer; and that in case of the death or the severe illness of such first sworn deputy, the next deputy in succession shall act as the returning officer, subject to the like penalty, and with the same powers, and then take the returning officer's oath in manner aforesaid; and so on, each deputy in succession shall in like manner act as the returning officer in case of the death or severe illness of the acting returning officer.

Punishment of officers returning corruptly or partially.

25. AND be it further enacted, That every returning officer who shall be by due course of law convicted of having acted corruptly or partially in the execution of his duty, as returning officer at any election of a member or members to serve in parliament, shall be adjudged guilty of a high misdemeanor, and shall be imprisoned for a period not exceeding three years; and such person so convicted is hereby

declared to be for ever incapable of holding any office or situation, civil or military, under the crown.

26. AND be it further enacted, That the expence of erecting booths or hiring buildings, and of employing assessors, sub-sheriffs, deputy sheriffs, clerks of the peace, deputy clerks of the peace, assistant deputy clerks of the peace, poll clerks and other clerks, interpreters, and constables, bailiffs, or other peace officers, and all other persons directed by this act and by other acts of parliament to be employed by the returning officer or officers for the conducting of an election for any county, city, borough, or other place, and also the expence of making proclamations and returns, and of stationery, and of advertisements, and all other expences necessary for the purpose of providing the means of taking the poll at any such election, shall in the first instance be paid by the said returning officer or officers presiding at any such election.

Returning officer's expences of the election;

27. AND be it further enacted, That it shall and may be lawful for the grand jury of any county, county of a town, or county of a city, and they are hereby authorized and required, to present at the next assizes after any election for a county, city, borough, or other place, shall have taken place within the same, such sum or sums of money as shall be necessary to reimburse the person or persons acting as the returning officer or officers at any such election, for the expences incurred by him or them at any such election, and that such sum or sums of money shall be paid immediately after such presentment has been fiated by the judge at such assizes, to such person or persons by the treasurer of such county: Provided always, that before any such presentment be made, such person or persons shall lay before the grand jury an account of all the particulars of the expences at such election; and all the vouchers for the said expences; and that it shall be made to appear to the grand jury, that the said expences are in conformity with the provisions of this act, and the other acts relating to elections, and fair and reasonable in every particular.

to be presented by the grand jury.

28. AND be it further enacted, That every affidavit or affirmation of registry made heretofore, shall be deemed to be according to law, notwithstanding no reference is made in it to a former registry; and that in any affidavit or affirmation of registry which shall be hereafter made at any sessions of the peace, no words whatever shall be introduced having any reference to a former registry; and that the acting clerk of the peace at every sessions of registry, shall immediately after each affidavit or affirmation of registry shall have been signed by the two presiding justices, and by the acting clerk of the peace, and before he proceeds to do any other business whatsoever, enter into a book the substance of every such affidavit or affirmation in succession, and not alphabetically; in the form following:

Affidavit of registry valid, though no reference made to former registry.

Form of entry
of affidavits.

	Number.
	Name of Freeholder.
	Place of Abode.
	Situation of Freehold.
	Name of Landlord.
	Value of Freehold.
	Names of Lives or other Tenure.
	Place and Date of Registry.

And that the entry in the said book of all the affidavits or affirmations so registered on each day of every sessions, shall be signed by the presiding justices at such sessions, or by two of them at the least, before they leave the court, and countersigned and dated by the acting clerk of the peace.

29. AND be it further enacted, That the clerk of the peace of every county, county of a town, or county of a city, shall enter in alphabetical order, according to the surnames of the persons who have registered freeholds, the substance of every affidavit of registry of every freeholder capable of voting on the first day of January one thousand eight hundred and twenty-one, at any election for the same, in the foregoing form, in separate books, one for each barony or half barony, county of a town, or county of a city, in which such freeholds shall lie, and shall affix before each name a number, to shew how many have registered under each letter of the alphabet in each book; and that he shall enter in the same manner and form the substance of every affidavit of registry which shall be made from and after the first day of January one thousand eight hundred and twenty-one.

Clerk of the peace shall enter the names of freeholders in books.

30. AND be it further enacted, That within one calendar month next after the first day of January one thousand eight hundred and twenty-one, every clerk of the peace shall cause to be printed in the cheapest manner, and by contract, not less than fifty or more than two hundred copies of the said registry books, commencing with the entries of twenty pounds and forty shillings freeholds, from the first day of January one thousand eight hundred and thirteen; and that every clerk of the peace shall, within one calendar month after the first day of January one thousand eight hundred and twenty-two, and within one calendar month after the first day of January in every succeeding year, cause to be printed, in the cheapest manner and by contract, not less than fifty nor more than two hundred copies of all entries in the registry book of each barony and half barony, county of a town or county of a city, of all affidavits or affirmations of persons who have registered their votes within the year then last past, ending on such first day of January respectively; and that the clerk of the peace of every county, shall deliver in each year, one printed copy of the registry books to each justice of the peace residing in such county: provided always, that the clerk of the peace shall not suffer the original registry books to be out of his possession, but shall cause copies of them to be made for the purpose of printing the same.

Within one month after Jan. 1, 1821, clerk of the peace shall cause copies of the registry books commencing from Jan. 1, 1813, to be printed: afterwards account to be printed annually.

31. AND be it further enacted, That the clerk of the peace of every county, county of a town, or county of a city, shall produce one of the said printed copies of the registry books of each barony or half barony in such county, or of such county of a town or county of a city, corrected by him, and certified under his hand to be correct, to one of his majesty's judges of assize, at the spring assizes, which shall be in the year one thousand eight hundred and twenty-one, for any such county; and shall produce at every succeeding spring assizes for the same a printed copy of all entries made in such books within the year ending the first of January then last past, corrected by him, and certified under his hand to be correct; and that such copy or copies, so certified and produced by the clerk of the peace, shall be immediately delivered over, in the presence of the judge, to

Clerk of the peace shall produce such printed copies at each spring assizes, which shall be delivered to the clerk of the crown.

No fiat for clerk of the peace's salary, until such copies are delivered.

the clerk of the crown, who shall sign and date the same; and that such copy or copies shall be preserved among the records of such county, and shall be deemed equally valid as the original books at any election, in case the same, or any part of them, shall not be produced at such election by the clerk of the peace; and that the clerk of the crown is hereby required to produce the said printed copies of such books at any election, if required so to do by the sheriff or sheriffs of the county to which they belong; and that no judge at the spring assizes to be holden in the said year one thousand eight hundred and twenty-one, or at any succeeding spring assizes, shall fiat any presentment for paying any salary to any clerk of the peace, until such printed copy or copies of such registry books, so certified, shall be so delivered in his presence to the clerk of the crown; and that it shall not be hereafter necessary for the clerk of the peace to deliver copies of the entries in the books of registry to the treasurer of the county, any act to the contrary notwithstanding.

Freeholds not to be registered unless the instrument is stamped.

32. AND be it further enacted, That from and after the first day of May one thousand eight hundred and twenty, the justices presiding at any sessions of the peace shall not allow any person to register his freehold by virtue of any written instrument, unless the same be stamped according to law; and that the clerk of the peace shall, from and after the first day of May one thousand eight hundred and twenty, certify in every certificate of the registry of a freehold of the value of forty shillings only, that the same was registered by virtue of a written instrument stamped according to law.

Penalty on clerk of the peace for neglect of duty under this act, 500l.

33. AND be it further enacted, That if any clerk of the peace shall omit or neglect to appoint deputies and assistant deputies to attend the places of polling at any election; or to have the original affidavits or affirmations of registry arranged and indorsed as herein-before required; or to enter in a book at every sessions of registry, the substance of every affidavit or affirmation made thereat, in the manner and form as hereinbefore required; or to enter in books the substance of all affidavits or affirmations of registry of all the freeholders who shall be capable of voting at an election on the first day of January one thousand eight hundred and twenty-one, or of those freeholders who may thereafter register freeholds, in the manner and form as hereinbefore required; or to cause registry books to be printed, and to be delivered to the clerk of the crown, in the manner and form as hereinbefore required; or to certify in every certificate of registry which he shall grant after the first day of May one thousand eight hundred and twenty, that the written instrument produced by the person registering a freehold was stamped according to law; he shall for every such offence forfeit a sum not exceeding five hundred pounds, to any person suing for the same; such penalty to be recovered by information in any of his Majesty's courts of record in Dublin.

34. AND be it further enacted, That it shall and may be

lawful for the grand jury of every county, county of a town, or county of a city, at every spring assizes, and they are hereby required, authorized, and empowered, to present such sum or sums of money as shall be a proper remuneration to the clerk of the peace for the expence of printing the registry books, in the manner and form hereinbefore directed: provided always, that no such presentment be made until the contract for the printing thereof be produced, and that it appear to the grand jury that the clerk of the peace has caused the said books to be printed in the cheapest manner.

Grand jury shall present for expence of printing registry books.

35. AND whereas by an act made in the parliament of Ireland in the thirty-seventh year of the reign of his late Majesty, intituled 'An act for the future regulation of the election of members to serve in parliament,' it is amongst other things enacted, that if any person seised of a freehold not consisting of a rent charge shall desire to register it as being of the value of fifty pounds, or twenty pounds, he shall, in the oath or affirmation therein provided, name the parish or parishes, and the townland or townlands in which such freehold may be situated: And whereas it is expedient that the name of the parish or parishes in the said oath may be omitted, and that the townland or townlands, or other denomination by which the place is generally known wherein the freehold is situated, be named in the said oath or affirmation; be it therefore enacted, That it shall be lawful for any person seised of a freehold not consisting of a rent charge, who shall desire to register it as being of the yearly value of fifty pounds or twenty pounds, to omit in such oath or affirmation the name of the parish or parishes in which such freehold may be situated, and to name therein the townland or townlands, or other denomination by which the place is generally known wherein the said freehold may be situated.

Irish Act, 37 G. 3. c. 47.

Freeholders of 50l. or 20l. may omit parish in oath, and name the townland.

36. AND be it further enacted, That every person who shall poll a second time, or offer to poll a second time, at the same election, or who shall personate any other person, or attempt to personate any other person, for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted in any of his majesty's courts of record in Dublin, shall be imprisoned for any term not more than two years, at the discretion of the judge or judges who shall try such person.

Persons polling twice, or personating voters, may be punished by two years imprisonment.

37. AND be it further enacted, That if any person shall vote at any election, by virtue of the registry of an alleged freehold, under a lease of lands and tenements for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein; or under a lease of land or tenements for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; or under a lease of land or tenements for a life or lives, or a certain number of years, which life or lives is or are dead; or under

Penalty on fraudulent voters, 20l.

a lease of land or tenements for a life or lives, which lease has expired or been surrendered, after due notice not to vote by virtue of any such registry shall have been given to such person by any candidate, or by any inspector of any candidate, and which notice every candidate and inspector is hereby authorized and empowered to give to such person at any time before or during such election, or in the place of polling, such person on being convicted thereof, shall forfeit to any person who shall sue for the same, the sum of twenty pounds; to be recovered by him or them, with treble costs of suit, by action of debt, at any general quarter sessions of the peace, or at any assizes that may be held in the county in which such election shall have taken place.

Regulation for
registry of
freeholders by
the mayor, re-
corder, &c. of
counties of
towns and ci-
ties.

38. AND whereas by certain acts made in the parliament of Ireland, and also by a certain act made in the parliament of the united kingdom, made in the forty-fifth year of his late majesty's reign, intituled 'An act for amending an act passed in the parliament of Ireland in the thirty-fifth year of his late majesty, for regulating the election of members to serve in parliament, so far as relates to freeholds under the yearly value of twenty pounds, and for making further and other regulations relating thereto,' it is enacted, that every oath and affirmation made and subscribed at any sessions of the peace for registry of any freehold, shall be read aloud in open court, and signed by two of the justices presiding therein: And whereas the number of the justices who are empowered to act within several of the counties of towns, or counties of cities and towns, agreeable to the charters thereof, is extremely limited, and often confined to those, who from age and infirmity are incapacitated for active performance of duty: And whereas it is necessary to provide against any consequent inconvenience or delay of persons possessed of freehold property, who wish duly to register such freeholds, and to qualify themselves for exercising the elective franchise; be it therefore enacted, that in all counties of towns and counties of cities, on the day immediately preceding the opening of each general quarter sessions of the peace, unless such day fall upon a Sunday, and in such case on the day next but one preceding the opening of each general quarter sessions of the peace, and upon the day immediately after the criminal and other business of every such sessions has been fully transacted, unless such day shall fall upon a Sunday, and in such case, on the second day after the said business has been fully transacted, the mayor or other chief magistrate of such county of a town or county of a city, or his sufficient deputy appointed by him, pursuant to charter or prescription, in case of his absence from such town or city, or his illness, shall, upon being required so to do by any freeholder of such county of a town or county of a city, hold an open court of sessions for the purpose of registering all such freeholders as shall present themselves for that purpose, in such manner and form as are now required by law; and that the said mayor, chief magistrate, or his deputy, shall commence his sitting on each day at the hour of ten of the clock in the forenoon,

and shall continue it till the hour of four of the clock in the afternoon; and that it shall also be lawful for any person possessed of a freehold in any county of a town or county of a city, to register the same before the recorder or his deputy, presiding in open court, at any quarter sessions of the peace, or any adjournment thereof, for the county of the town or county of the city in which such freehold is situate; and that such mayor or other chief magistrate, or his deputy, and such recorder or his deputy, shall administer all oaths, and sign all certificates, which are now required by law, to render the registry of such freehold valid; and that the signature of such mayor, chief magistrate, or recorder, or of their several deputies so affixed in open court, shall be singly and of itself a sufficient attestation of such registry, in place of the signature of two magistrates, and of the clerk of the peace, as now required by law; and that the certificate of the registry of a freehold in any county of a city or county of a town so signed as aforesaid, shall be sufficient evidence of the registry of the same, at any election, if without any erasure or interlineation, any thing to the contrary in this act notwithstanding; and that the affidavits of registry so attested, shall be then and there delivered by such mayor, recorder, or their respective deputies, to the clerk of the peace, to be filed and kept amongst the records of the court.

Penalty on mayor, &c. for neglect, 100l.;

39. AND be it further enacted, That if any mayor or other chief magistrate of any county of a town, or county of a city, shall neglect or wilfully omit to hold any such session, by himself or his sufficient deputy, in manner and form as herein-before required, upon being required so to do by any freeholder of such county of a town, or county of a city; or if any mayor or other chief magistrate, or any recorder shall omit or neglect, or wilfully refuse to register the freehold of any person duly qualified, who shall present himself for that purpose to such mayor, or chief magistrate, or recorder, such mayor, chief magistrate, or recorder so offending, shall forfeit the sum of one hundred pounds for each and every such neglect of duty; and that if the clerk of the peace or his sufficient deputy shall neglect or omit to attend any such session of the peace, upon due notice being given to him of the holding of the same by any freeholder of such county of a town, or county of a city, and then and there to do all acts now required of him by law for the registry of freeholders, such clerk of the peace shall for every such offence forfeit the sum of fifty pounds; such penalties to be recovered by information in any of his majesty's courts of record in Dublin; one moiety whereof shall be payable to our lord the king, and the other moiety to him who shall sue for and recover the same.

on clerk of peace, 50l.

40. AND be it further enacted, That if any person shall falsely make, forge, or counterfeit, or shall cause or procure to be falsely made, forged, or counterfeited, or shall willingly act or assist in the false making, forging, or counterfeiting any certificate of the registry of any freehold, or any affidavit or affirmation relating thereto, or any writing

Forging certificates of registry, &c. punishable by transportation.

or instrument purporting to be a certificate of the registry of any such freehold, or an affidavit or affirmation relating thereto, or shall utter or publish, or assist to utter or publish, or produce in any polling booth as true, any such false, forged, or counterfeited certificate, or affidavit or affirmation, writing or instrument, knowing the same to be false, forged, or counterfeited, with intent to make or support any claim of himself, or any other person or persons, to vote at any election of a member or members to serve in parliament, every such person so offending and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall be transported for seven years to some part of his majesty's dominions out of Europe.

Duty and oath
of poll clerks.

41. AND be it further enacted, That every person whom any returning officer at any election for a member to serve in parliament for any county, shall employ to act as a clerk for taking the poll, shall enter in a book to be provided for that purpose, the number opposite to the name of each freeholder in the registry book who shall tender his vote or offer to poll at such election, his name and the place of his abode, the situation and value of his freehold, and for whom he shall vote, and every such clerk shall, before the beginning of the poll, take an oath in the form following :

'I, A. B. do swear, That I will, at this election of a member [or members, as the case may be] to serve in parliament for the county, county of the town, or county of the city [as the case may be] of _____ truly and indifferently take the poll, and set down the number opposite to the name of each freeholder in the registry book, his name and the place of his abode, and the situation and the value of his freehold, and for whom he shall poll.

'So help me God.'

Which oath every returning officer is hereby authorized and required to administer.

Deputy sheriffs and officers neglecting their duty at election poll, shall lose their compensation :

42. AND be it further enacted, That any deputy sheriff, poll clerk, clerk of the peace, deputy clerk of the peace, assistant deputy clerk of the peace, interpreter, constable, bailiff, or peace officer, who shall absent himself from the duty of his office at any election of a member or members to serve in parliament for any county, city, borough, or other place, during any part of the time that the poll shall be kept open on each day, shall forfeit all compensation for his attendance during such election; and that the returning officer or officers is and are hereby authorized and required, in case of the absence, neglect, misconduct, or insufficiency of any such person or persons, immediately to remove any such person or persons, and to appoint a person or persons to fill his or their place or places.

Returning officer may dismiss them, and supply their places.

Franchises registered under 37 Q. 3. c. 131. not affected.

43. AND be it further enacted, That nothing in this act contained shall extend or be construed to extend so as to limit, abridge, or defeat the franchise of any person or persons, who before the passing of this act shall have duly registered his or their franchise or franchises, under and by virtue of the act of the fifty-seventh year of his late majesty's reign, herein-before recited and repealed.

44. AND whereas it is expedient that persons having freeholds under the yearly value of twenty pounds, and subject only to quit or crown rent, or arising from fee-farm grants, or under a lease or leases for ever, or for lives renewable for ever, should have the power of voting at elections for members of parliament, although they should not reside thereon, or occupy such freeholds by tilling or grazing to the amount of forty shillings yearly value thereof; be it enacted, That it shall and may be lawful for persons having freeholds under twenty pounds yearly value, not consisting of a rent charge, and liable only to crown or quit rent, to register the same in like manner as is provided for persons having freeholds of the yearly value of twenty pounds, in an act of the thirty-seventh year of his late majesty's reign, passed in the Irish parliament, and intituled, 'An act for the regulating of elections;' and that such person so registering his freehold, shall insert in the oath of registry, the words 'forty shillings,' instead of the words 'twenty pounds,' or 'fifty pounds,' and shall add the following words, 'and that the said freehold does not consist of a rent charge, and that it is liable to no rent, except quit or crown rent, or that it arises from fee farm grant, or that I hold it under a lease or leases for ever, or under a lease or leases for lives, renewable for ever, [as the case may be],' and that every person who shall offer to vote by virtue of a freehold under the value of twenty pounds, and holding the same subject only to quit or crown rent, shall make the same affirmations, and take the same oaths as are now provided for persons having freeholds of the value of twenty pounds; provided always, that such persons shall in such oaths make the several alterations and additions as are herein set forth in the oath of registry for such persons.

Persons having certain freeholds permitted to register the same in manner herein mentioned.

Irish act, 37 G. 3.

45. AND be it further enacted, That all former acts of parliament for the regulation of the election of members to serve in parliament for Ireland, shall be and continue in force, except only so far as the same are repealed or altered by this act; and that this act may be altered and repealed by any act to be passed in the present session of parliament.

Former acts to continue in force.

ANNO 1 & 2 GEORGE IV. CAP. 58.

An Act to regulate the Expences of Elections of Members to serve in Parliament for Ireland. A. D. 1821.

WHEREAS it is expedient to regulate the expences of elections of members to serve in parliament for Ireland; That from and after the passing of this act, no other charges shall be made, for any thing performed or done in the execution of any writ or precept, for holding an election in Ireland, besides the charges set forth in the schedule (A.) to this act annexed, any act to the contrary notwithstanding.

No charges to be made for elections in Ireland but those inserted in schedule (A.)

No persons
but those
mentioned
in
schedule en-
titled to fees.

2. And be it further enacted, That no other person, besides the persons mentioned in the said schedule, shall be entitled to receive any fee or reward for any thing performed or done in the execution of any writ or precept for holding an election, any act to the contrary notwithstanding.

No rewards
or presents to
be given to
returning offi-
cers.

3. And be it further enacted, That no person to be hereafter elected to serve in parliament for any county, city, town, or borough, shall, by himself, his friends or agents, or by any person or persons employed in his behalf, directly or indirectly give any fee or reward of any kind, or make any payment of money by way of compliment or gratuity, or upon any account whatever, to any sheriff, under sheriff, deputy sheriff, returning officer, or deputy returning officer, clerk of the peace, or deputy clerk of the peace; and that every such person or persons, who shall so give any fee or reward of any kind, or make any payment of money by way of compliment or gratuity, or upon any account whatever, to any sheriff or under sheriff, deputy, deputy sheriff, returning officer, deputy returning officer, clerk of the peace, or deputy clerk of the peace, shall be and is and are hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county, city, town, or borough.

Irish act, 35
G. 3. so far as
limits the
number of
agents and
clerks to be
employed at
elections re-
pealed.

4. AND be it further enacted, That so much of an act passed in the parliament of Ireland, in the thirty-fifth year of his late majesty's reign, intituled, An act for regulating the election of members to serve in parliament, and for repealing the several acts therein mentioned, as provides that no candidate for any county shall employ at or for any election for the said county, more hired agents or hired clerks, than after the rate of one agent and one clerk for each barony or half-barony in said county, shall be and the same is hereby repealed.

Agents, &c.
to be paid as
in schedule
(B.)

5. AND be it further enacted, That from and after the passing of this act, no candidate at an election for any county, city, town, or borough, shall pay to any barrister, agent, inspector, or clerk, any sum or sums of money, for his attendance, or trouble at any such election, which shall exceed the sum or sums set forth in the schedule (B.) to this act annexed.

No rewards,
&c. to be
given to
agents, &c.
above what
is specified in
schedule.

6. AND be it further enacted, That if any such candidate shall give, by himself, his friends or his agents, or by any person or persons employed by him or them, any sum or sums of money, fee, retaining fee, office, place or employment, gift or reward, or any promise or security for any money, fee, retaining fee, office, place, or employment, to any barrister, agent, inspector, or clerk, for doing any thing of and concerning any matter relating to any such election, directly or indirectly, over and above the sum or sums set forth to be paid in the said schedule to any barrister, agent, inspector, or clerk, he shall be and he is hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county, city, town, or borough.

7. AND be it further enacted, That so much of an act 1 G. 4. c. 11. passed in the first year of the reign of his present majesty, intitled, An act for the better regulation of polls, and for making further provisions touching the election of members to serve in parliament for Ireland, as provides that it shall and may be lawful for the grand jury of any county, county of a town, or county of a city, to present at the next assizes after any election for a county, city, or borough, such sum or sums of money as shall be necessary to reimburse the person or persons acting as returning officer or officers at such elections, shall be and the same is hereby repealed.

8. AND be it further enacted, That nothing in this act contained shall cause any candidate at an election for any county, city, town, or borough, to be liable to the payment of any charge or charges for the expences attending the execution of any writ or precept for holding an election, to which he was not liable previous to the said act of the first year of the reign of his present majesty; except for such additional places of polling, and additional deputy clerks of the peace, and deputy assistant clerks of the peace, as are by the said act required to be provided.

Candidates not liable to expence attending the writ, &c.

SCHEDULE (A.)

Charges for executing a Writ or Precept for holding an Election.

	£	s.	d.
For providing each place of polling or booth, for commissioners, for administering oaths of qualification to Roman Catholics, such place of polling or booth not being in a public building, a sum not exceeding	15	0	0
Such place of polling or booth being in a public building, a sum not exceeding	7	10	0
For the assessor to the returning officer, for attending the election, and for the first day's polling, a sum not exceeding	50	0	0
For each subsequent day's attendance, a sum not exceeding	11	7	6
For each poll clerk, for each day's polling, a sum not exceeding	1	2	9
For each deputy clerk of the peace, for each day's polling, a sum not exceeding	0	10	0
For each assistant deputy clerk of the peace, for each day's polling, a sum not exceeding	0	5	0
For each interpreter, for each day's attendance at a poll which may be required, a sum not exceeding	0	10	0
For each constable (of whom not more than two who are employed to attend a place of polling shall be paid), for each day's polling, a sum not exceeding	0	5	0

The said allowances to cover all extra and incidental expences belonging to each of the above-mentioned persons.

For all incidental expences, such as indentures, stamps, poll books, advertisements, stationery, and all other expences belonging to the execution of a writ or precept for holding an election, a sum not exceeding the rate of three pounds for each place of polling.

SCHEDULE (B.)

Payments which a Candidate may make at an Election to his Counsel, Agents, Inspectors, and Clerks.

	£.	s.	d.
To one barrister, as counsel for attending the election, and for the first day's polling, a sum not exceeding -	50	0	0
For each subsequent day's polling, a sum not exceeding -	11	7	6
To one conducting agent, a sum not exceeding -	100	0	0
And an additional sum to cover all expences <i>bonâ fide</i> incurred for making up books, and for other expences necessary for taking a poll.			
To every other agent or inspector, for the first day's polling, a sum not exceeding -	6	16	6
For every subsequent day's polling, a sum not exceeding -	3	8	3
To each cheque clerk and other clerk, for each day's polling, a sum not exceeding -	0	15	0
The said allowances to cover all expences for lodging, diet, and all other extra incidental expences belonging to each of the above-mentioned persons. (No candidate to pay more than one counsel, one conducting agent, one inspector, and one cheque clerk, for each place of polling; one agent for the sheriff's booth, three agents for preparing tallies, and two clerks for the same purpose, for each barony or half-barony.)			

ANNO 4 GEORGII IV. CAP. 55.

An Act to consolidate and amend the several Acts now in force, so far as the same relate to the Election and Return of Members to serve in Parliament, for Counties of Cities and Counties of Towns in Ireland. A. D. 1823.

WHEREAS it is expedient to consolidate and amend the several acts now in force, so far as the same relate to the election and return of members to serve in parliament for counties of cities and counties of towns in Ireland; That from henceforth so much of an act, passed in the parliament of Ireland in the thirty-fifth year of the reign of his late majesty king George the third, intituled, An act for regulating the election of members to serve in parliament,

So much of
recited acts
as relate to
election of
members for

and for repealing the several acts therein mentioned ; and also so much of an act, passed in the thirty-seventh year of the reign of king George the third, intituled, An act for the further regulation of the election of members to serve in parliament ; and also so much of an act, passed in the forty-fifth year of the reign of king George the third, intituled, An act for amending an act passed in the parliament of Ireland, in the thirty-fifth year of his present majesty, for regulating the election of members to serve in parliament, so far as relates to freeholds under the yearly value of twenty pounds, and for making further and other regulations relating thereto ; and also, so much of an act, passed in the first year of the reign of king George the fourth, intituled, An act for the better regulation of polls, and for making further provision touching the election of members to serve in parliament for Ireland, as relate to the election of members to serve in parliament for any county of a city or county of a town, shall be repealed.

counties of cities and counties of towns repealed, 35 G. 3. (1.)
37 G. 3. (1.)

45 G. 3. c. 59.

60 G. 3. &
1 G. 4. c. 11.

2. AND whereas the number of justices who are empowered to act within several of the counties of cities or counties of towns in Ireland, agreeable to the charters thereof, is extremely limited, and often confined to those who from age and infirmity are incapacitated for active performance of duty : and whereas it is necessary to provide against any consequent inconvenience or delay of persons possessed of freehold property, who wish duly to register such freeholds, and to qualify themselves for exercising the elective franchise ; be it further enacted, That in all counties of cities and counties of towns in Ireland, on the day immediately preceding the opening of each general quarter sessions of the peace, unless such day shall fall upon a Sunday, and in such case on the day next but one preceding the opening of each general quarter sessions of the peace, and upon the day immediately after the criminal and other business of every such sessions shall have been fully transacted, unless such day shall fall upon a Sunday, and in such case on the second day after such business shall have been fully transacted, the mayor or other chief magistrate of such county of a city or county of a town, or his sufficient deputy appointed by him pursuant to charter or prescription, in case of his absence from such city or town, or his illness, shall, upon being required so to do by any freeholder of such county of a city or county of a town, hold an open court of sessions for the purpose of registering all such freeholders as shall present themselves for that purpose ; in such manner and form as is by this act required ; and that the said mayor or other chief magistrate, or his deputy, shall commence his sitting on each day at the hour of ten of the clock in the forenoon, and shall continue it until the hour of four of the clock in the afternoon : Provided, however, that in case any two justices of the peace for said county of a city or county of a town shall attend at such sessions during the time appointed for the attendance of the said mayor or other chief magistrate, upon such respective days or either of them, or during any portion of

Mayor or other chief magistrate to hold sessions for registry of freeholders.

If two justices attend, mayor's presence not necessary.

such time, then and in such case the attendance of the said mayor or other chief magistrate shall not be required during the time of the attendance of such two justices of the peace.

Freeholds may be registered at any sessions.

3. AND be it further enacted, That it shall be lawful for any person possessed of a freehold in any county of a city or county of a town, to register the same before the mayor or other chief magistrate, or his deputy, or before any two justices of the peace presiding at such sessions, to be held for such county of a city or county of a town, or before any two justices of the peace, or the recorder or deputy recorder, presiding in open court at any quarter sessions of the peace for the county of the city or county of the town in which such freehold is situate, or at any adjournment thereof, or any adjournment of such adjournment.

Freeholders having freeholds (not consisting of a rent-charge) of 50*l*. or 20*l*. to take the following oath.

4. AND be it further enacted, That when any person, seised of any freehold in any county of a city, or county of a town, which freehold shall not consist of a rent-charge, shall be desirous to register the same as being of the value of fifty pounds, or twenty pounds, such person shall in open court, at some sessions to be held as aforesaid, or adjournment thereof, before the mayor or other chief magistrate, or his deputy, or before two justices of the peace or before the recorder or deputy recorder presiding thereat, take and subscribe the following oath [or, if a quaker, the following affirmation]:

I, _____ of _____ in the county of _____ or of the city or town of _____ [as the case may be] do swear, [or if a quaker, do affirm], that I am a freeholder of _____ and that I have and am now in actual possession of a freehold therein, arising from a house or houses, or from land, or both, or other hereditaments [as the case may be] of the clear yearly value of _____ or _____ [as the case may be] above all charges payable out of the same, lying and being at or in [naming the land out of which such freehold shall arise, if the same shall arise out of land, or the street or place where such house or houses or other hereditaments shall be situate, in case such freehold shall arise out of any house or houses, or other hereditaments] in the county of the city [or county of the town, as the case may be] of _____ and that the said freehold does not arise from a rent-charge, nor have I procured it fraudulently, nor has it been granted fraudulently to me, or in exchange for a freehold in any other county.

Persons holding freeholds consisting of rent-charge of 50*l*. or 20*l*. to take the following oath.

5. AND be it further enacted, That when any person seised of any freehold in any county of a city or county of a town, which freehold shall consist of a rent-charge, shall be desirous to register the same as being of the value of fifty pounds, or twenty pounds, such person shall in open court at some sessions to be held as aforesaid, or adjournment thereof, before the mayor or other chief magistrate, or his deputy, or before two justices of the peace, or before the recorder or deputy recorder presiding thereat, take and subscribe the following oath [or, if a quaker, the following affirmation]:

‘ I, _____ of _____
 in the county of _____ or of the city or town
 of _____ [as the case may be] do swear [or if a
 quaker, do affirm], that I am a freeholder of
 and that I have a freehold therein of the clear yearly value
 of _____ or _____ [as the case may
 be] at the least, above all charges payable out of the same,
 consisting of a rent-charge granted by deed, bearing date
 the _____ day of _____ in the
 year _____ [if the same shall be granted by
 deed, and in case it shall not be granted by deed, then
 stating the particulars of the title of such person to such
 rent-charge on a house or houses, or on land, or both, or
 other hereditaments, as the case may be,] lying and being
 at or in [naming the land out of which such rent-charge
 shall arise, if the same shall arise out of land, or the
 street or place where such house or houses, or other here-
 ditaments, shall be situate, in case such rent-charge shall
 arise out of any house or houses, or other hereditaments,]
 in the county of the city or county of the town [as the case
 may be] of _____, and that I am in the
 possession thereof to the clear amount of _____
 or _____ [as the case may be] yearly
 value thereof, and am entitled to receive the same as it be-
 comes due.’

Oath.

6. AND be it further enacted, That every person who
 shall be seised of a freehold under the value of twenty
 pounds in any county of a city or county of a town, and
 who shall be desirous to register the same, shall in open
 court, at some sessions to be held aforesaid, or adjourn-
 ment thereof, before the mayor or other chief magistrate,
 or his deputy, or before two justices of the peace, or be-
 fore the recorder or deputy recorder presiding thereat, pro-
 duce the deed, lease, or instrument under which his free-
 hold shall arise, and shall take and subscribe the following
 oath, [or if a quaker, the following affirmation:]

Freeholders
 under the
 value of 20l.
 to take the fol-
 lowing oath.

‘ I, _____ of _____
 in the county of _____ or of the city or town _____ Oath.
 of _____ [as the case may be] do swear,
 [or, if a quaker, do affirm,] that I am a freeholder of
 _____, and that I have a freehold therein,
 arising from a house or houses, or from lands, or both, or
 other hereditaments [as the case may be] of the clear year-
 ly value of forty shillings at the least, above all charges
 payable out of the same, lying and being at or in [naming
 the land out of which such freehold shall arise, if the same
 shall arise out of land, or the street or place where such
 house or houses or other hereditaments shall be situate, in
 case such freehold shall arise out of any house or houses
 or other hereditaments] in the county of the city [or county
 of the town, as the case may be] of _____
 and that the said freehold does not arise from a rent-
 charge, and that the same arises by virtue of the deed, or
 by virtue of the lease, or by virtue of the instrument, or by
 virtue of the deed, lease, or instrument [using all or any or
 either of the said terms, deed, lease or instrument] which I

now produce, bearing date the day of
 in the year of for the life or lives of
 [or, in case the said freehold be not for life or lives, then
 stating the nature of his tenure] as the case may be] at the
 yearly rent of [specifying the whole yearly
 rent, or the yearly rent per acre, or such yearly rent per
 acre, together with the number of acres] and that I am in
 the actual occupation thereof by residing thereon, or by
 tilling or by grazing, or by both tilling and grazing [or by
 all or any or either of the said means, stating the same cop-
 ulatively or disjunctively, as the case may be] to the
 amount of at least forty shillings yearly value thereof; and
 that the said freehold is not let or agreed to be let to the
 person or persons who executed the said deed, lease, or in-
 strument [as the case may be], or to the heirs or assigns of
 such person or persons, or to any one in trust for him,
 her, or them, nor do I intend to let the same to such person
 or persons, or any of them; and that I have not agreed to
 let it for the term for which I hold it, nor have I procured
 it fraudulently, or in exchange for a freehold in any other
 county.

Persons hav-
 ing freeholds
 not arising
 from a deed or
 lease, to de-
 scribe the same
 in the oath.

And if the freehold, in right of which any person shall de-
 sire to qualify himself to vote, shall not arise by virtue of a
 deed, lease, or instrument, the person desiring to register
 it shall describe the same in the oath or affirmation so to be
 taken by him, according to the true state and nature of his
 tenure, in which case the words in the foregoing oath, im-
 porting that the same arises by virtue of a deed, lease, or
 instrument, shall be omitted, and such description inserted
 in the place thereof.

No tax, cess,
 &c. shall be
 deemed a
 charge, &c.

7. AND be it further enacted, That no public or parla-
 mentary tax, county, church, or parish cess, on any
 townland or division of any parish or barony, shall be
 deemed any charge payable out of any freehold estate,
 within the meaning of this act, or any of the foregoing
 oaths or affirmations.

Oath to be
 signed by
 mayor, jus-
 tices, or re-
 corder, &c.
 and delivered
 to clerk of the
 peace.

8. AND be it further enacted, That every such oath or
 affirmation as hereinbefore mentioned shall, when sworn or
 affirmed to, be signed by the said mayor or other chief ma-
 gistrate or his deputy, or before such two justices of the
 peace, or before the recorder or deputy recorder presiding
 at such sessions as aforesaid, and shall be then and there
 delivered by such mayor or other chief magistrate or his
 deputy, or by such justices of the peace, or by the said re-
 corder or deputy recorder, to the clerk of the peace of such
 county of a city or county of a town, to be filed and kept
 amongst the records of the court.

Where 50l.
 freeholders
 take oath as
 herein in Dub-
 lin, or assizes,
 &c. such may
 be produced
 at sessions, &c.
 and shall be as
 good as if ta-
 ken at ses-
 sions.

9. AND be it further enacted, That where the freehold,
 whether consisting of a rent-charge or not, shall be of the
 clear yearly value of fifty pounds, and the freeholder who
 shall be seised of the same shall take and subscribe the
 oath or affirmation (as the case may be) respectively re-
 quired as aforesaid to be by him taken for registering a
 freehold (whether rent-charge or not) as of the value of
 fifty pounds, in any of the courts of king's bench, common

pleas, or exchequer, in the city of Dublin, or at any assizes, and the same shall be subscribed by one of the judges of such courts, or the judge of assize, such oath or affirmation so subscribed may be produced at any sessions of the peace as aforesaid, held in the county of the city or county of the town where such freehold lies, and when read aloud there in open court, shall be signed by the mayor or other chief magistrate, or his deputy, or by the justices of the peace, or by the recorder or deputy recorder presiding there, and shall then be delivered by the court to the acting clerk of the peace, to be filed and kept amongst the records of such county of a city or county of a town; and every such oath or affirmation so taken shall be of equal effect for registering such freehold, within the meaning of this act, as if it had been made at the sessions of the peace as aforesaid.

10. AND be it enacted, That if any person seised of a freehold, whether consisting of a rent-charge or not, shall be in actual service, either in the army or militia, out of the county of a city or county of a town where such freehold lies, and shall take and subscribe the oath or affirmation required by this act to be by him taken for registering such freehold, at any sessions of the peace or adjournment thereof held in the county, town, or city in which he shall be quartered or stationed, stating therein the regiment, battalion, troop, or company (as the case may be) to which he belongs, such affidavit shall be subscribed by the mayor or other chief magistrate or his deputy, or by the justices of the peace, or by the recorder or deputy recorder presiding thereat, and countersigned by the clerk of the peace for such county, town, or city, who shall certify that the corps in which he serves is quartered or stationed therein; and such oath or affirmation so subscribed and countersigned may be produced at any sessions of the peace or adjournment thereof, or at any adjournment of an adjournment, held in the county of the city or county of the town in which such freehold lies, and when read aloud therein in open court, shall be signed by the mayor or other chief magistrate or his deputy, or by the justices of the peace, or by the recorder or deputy recorder presiding there, and shall be delivered to the acting clerk of the peace, to be filed and kept amongst the records of the county; and every such oath or affirmation so taken shall be of equal effect for registering such freehold, as if it had been made at the sessions of the peace for the county of the city or county of the town in which such freehold is situated.

11. PROVIDED always, and be it enacted, That the mayor and other chief magistrate or his deputy, or the justices of the peace, recorder or deputy recorder presiding at such sessions, shall not allow any person to register his freehold by virtue of any written instrument, unless the same be stamped according to law; and the clerk of the peace shall state in every certificate to be provided by him, as aforesaid, of the registry of a freehold registered by virtue of a written instrument, as of the value of forty shillings

Freeholders' on actual service in army or militia may register where they are quartered.

Freeholds not to be registered, unless instruments under which they arise be stamped.

only, that the same was registered by virtue of a written instrument stamped according to law.

Certificate of registry to be given to freeholder, for which the clerk of the peace shall be paid 3d.

12. AND be it further enacted, That every clerk of the peace for the county of a city or county of a town shall give, immediately on the registry of any freehold as aforesaid, to every person registering the same, if he shall demand it, a form of certificate, wherein it shall be certified that such person hath duly registered such freehold, and wherein shall be recited exactly the oath or affirmation made or taken by such person, and such certificate shall, if required by the person registering such freehold, be signed by the mayor or other chief magistrate or his deputy, or by the justices of the peace, or the recorder or deputy recorder presiding at such sessions as aforesaid; and such certificate of registry so signed as aforesaid shall be sufficient evidence at any election of the registry of such freehold, if such certificate shall be without any erasure or interlineation; and the clerk of the peace shall be paid by such freeholder for every such form of certificate the sum of three-pence.

Substance of affidavit to be entered in registry book.

13. AND be it further enacted, That the acting clerk of the peace at every sessions of the registry shall, within ten days after each affidavit or affirmation of registry shall have been signed as aforesaid, enter in a book or books the substance of every affidavit or affirmation, in the form following:

Form of Entry of Affidavit.

Date of Registry.	
Names of Lives or other Tenure.	
Value of Freehold.	
Name of Landlord.	
Situation of Freehold.	
Place of Abode.	
Name of Freeholder.	
Number.	

14. AND be it further enacted, That every deed, lease or Deed or lease instrument produced by any person intending to register a produced by persons registering freehold under the value of twenty pounds as aforesaid, tering free-

hold to be indorsed by clerk of the peace.

shall be indorsed at the time in open court, by the acting clerk of the peace, with his name, and the day of the month and year, and the clerk of the peace shall then and there compare the deed, lease, or instrument, with the affidavit of registry.

Registry not to be impeached for irregularity in holding sessions.

15. AND be it further enacted, That the registry of any freehold shall not be impeached on account of any irregularity in the holding or adjourning of any sessions from whence the sessions at which such freehold shall have been registered shall have been adjourned, either directly or by any adjournment or adjournments, provided such latter sessions shall have been duly and regularly held in all other respects.

Franchises of persons already registered not to be affected.

16. AND be it further enacted, That nothing in this act contained shall extend or be construed to extend so as to limit, abridge, or defeat the franchise of any person or persons, who before the passing of this act shall have duly registered his or their freehold or freeholds under the act or acts in force at the time of such registry.

Penalty on mayor, &c. for neglect of duty, 100*l*.

17. AND be it further enacted, That if the mayor or other chief magistrate of any county of a city or county of a town shall neglect or wilfully omit to hold any such session by himself, or by his sufficient deputy, in manner and form as hereinbefore directed, upon being required so to do by any freeholder of any county of a city or county of a town; or if any mayor or other chief magistrate, or the justices, recorder, or deputy recorder, presiding at any sessions of the peace to be held for any county of a city or county of a town, shall omit or neglect, or wilfully refuse to register the freehold of any person duly qualified, who shall present himself for that purpose to such mayor or other chief magistrate, justices, recorder, or deputy recorder, such mayor, or other chief magistrate, justices, recorder, or deputy recorder so offending, shall forfeit the sum of one hundred pounds for each and every such neglect of duty; and that if the clerk of the peace for any county of a city or county of a town, shall neglect or omit to attend at any such sessions of the peace as aforesaid, upon due notice being given to him of the holding of the same, by any freeholder of such county of a city or county of a town, or shall neglect or omit to do all or any of the acts hereby required to be done by him for the registry of freeholders, such clerk of the peace shall for every such offence forfeit the sum of fifty pounds; such penalties to be recovered by information in any of his majesty's courts of record in Dublin, one moiety whereof shall be payable to our Lord the king, and the other moiety to him who shall sue for and recover the same.

Penalty on clerk of the peace for neglect of duty, 50*l*.

Clerk of the peace shall make entries of such registers in alphabetical books.

18. AND be it further enacted, That the clerk of the peace of every county of a city or county of a town shall enter, in the form herein-before appointed for the entry of freeholds, the substance of every affidavit of every freeholder who shall have registered a freehold for such county of a city or county of a town, of forty shillings, or twenty pounds, from the first day of January one thousand eight hundred and

sixteen, and the substance of every affidavit of every freeholder who shall have registered a freehold of such county of a city or county of a town, of fifty pounds: but such entries shall be made in alphabetical order, according to the surnames of the persons who shall have registered freeholds, and in separate books, having one book for each letter of the alphabet; and each of such books shall be divided into three parts, the first part containing the forty shillings freeholds registered from the first day of January one thousand eight hundred and sixteen, the second containing the entries of twenty pounds freeholds from the same time, and the third part the entries of fifty pounds freeholds; and such clerk of the peace shall affix before each name a number, to shew how many have been registered of each description of freehold under each letter of the alphabet; and shall also affix before each name the number affixed thereto in the original registry book or books; and the clerk of the peace of every county of a city or county of a town, shall from time to time enter in the same manner and form every affidavit of registry which shall hereafter be made.

19. AND be it further enacted, That within one calendar month next after the first day of January one thousand eight hundred and twenty-four, every clerk of the peace shall cause to be printed in the cheapest manner, and by contract, not less than fifty or more than two hundred copies of all entries in the said registry books; and that every clerk of the peace shall, within one calendar month after the first day of January one thousand eight hundred and twenty-four, and within one calendar month after the first day of January in every succeeding year, cause to be printed not less than fifty or more than two hundred copies of all entries in the registry book of each county of a city or county of a town, of all affidavits or affirmations of persons who have registered their votes within the year then last past, ending on such first day of January respectively; and that the clerk of the peace of every county of a city or county of a town shall deliver in each year one printed copy of the registry books to each justice of the peace residing in such county of a city or county of a town, and six copies thereof to each member of parliament for the time being for such city or town: provided always, that the clerk of the peace shall not suffer the original registry books to be out of his possession, but shall cause copies of them to be made for the purpose of printing the same.

20. AND be it further enacted, That every clerk of the peace of any county of a city or county of a town, shall from time to time, at the request of any freeholder of such county of a city or county of a town, within ten days from such request, deliver to such person a true copy of the registry of all freeholders which shall have been registered in such county of a city or county of a town, as appearing on the original registry books, or a true copy of the same as appearing in the alphabetical books herein-before mentioned, or the registry of any freeholds, as appearing in any or either of the said books, within any period to be stated by the freeholder making such request, the said clerk of the

Copies of books to be printed.

One copy to be delivered to each justice, and six copies to each member.

Clerk of the peace to furnish copies of entries in registry books, and to be paid at the rate of 3d. for every 100 names.

Penalty for
omitting to
furnish copy.
100*l*.

peace receiving for the same at the rate of three-pence^r for every one hundred persons names contained in the said copy; and if any clerk of the peace shall omit to furnish a copy of the registry of any freeholders as aforesaid, within the time herein-before limited for such purpose, on being paid at the rate herein-before stated, such clerk of the peace shall for every such offence forfeit the sum of one hundred pounds to any person suing for the same.

Clerk of peace
neglecting to
keep books or
to make en-
tries, &c. shall
forfeit 100*l*.
and be dis-
qualified; for
neglecting to
attend at ses-
sions, &c. 50*l*.

21. AND be it further enacted, That if any clerk of the peace shall omit or neglect to keep any of the books hereby required, or to make due entries therein in the order and form required, or to file any oath and affirmation delivered to him to be filed, and to preserve the same free from erasure, blot, interlineation, or damage, he shall for every such offence forfeit the sum of one hundred pounds, and be incapable of serving as a clerk of the peace for any county; and if he shall neglect or refuse to attend at any sessions whereat freeholders may be registered by virtue of this act, or shall omit to give copies of the registry books aforesaid, or any of them, or any part thereof, within a reasonable time after demand, he shall forfeit for every such offence the sum of fifty pounds to any person suing for the same.

Grand juries
may present
for expence of
printing alpha-
betical books,
and providing
registry books.

22. AND be it further enacted, That it shall and may be lawful for the grand jury of every county of a city, or county of a town, and they are hereby authorized, empowered, and required, to present such sum or sums of money as shall be proper for the expence of printing the aforesaid books in the manner and form herein-before directed; such grand jury shall also present the expences of providing the registry and alphabetical books herein-before mentioned.

No freeholder
to vote unless
registered.

23. AND be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament for any county of a city or county of a town, by virtue of a freehold, unless such freehold shall have been registered in manner herein-before directed; and that no person shall be admitted to vote at any such election by virtue of a freehold registered at the value of twenty pounds or forty shillings, unless such freehold shall have been registered within eight years preceding the teste of the writ for holding such election; and that no person who shall have registered any freehold as of the value of fifty pounds or twenty pounds, such freehold not arising out of a rent-charge, shall be admitted to vote at any such election, unless such freehold shall have been registered six months at the least before the teste of the writ for holding such election; and if such person shall have let or agreed to let the same to the person or persons from whom he holds it, or to the heirs or assigns of such person or persons, or to any one in trust for him, her, or them, or who has let or agreed to let the same, or more thereof than shall leave a residue sufficient to constitute such freehold, for the term for which he holds it, then such person shall not be permitted to vote at any such election, unless he shall have registered such freehold twelve calendar months previous to the teste of such writ; and that no person, having registered a freehold arising out of a rent-charge, shall be admitted to vote at an

Freeholds of
20*l*. or 40*l*. to
be registered
within 8 years
before teste of
writ:

Freeholds of
50*l*. or 20*l*. to
be registered
6 months;

and if let to
person, under
whom held, or
for term for
which held, to
be registered
12 months.

such election, unless such freehold shall have been registered twelve months at the least before the teste of the writ for holding such election; and no person, having registered a freehold as of the value of forty shillings, shall be admitted to vote at any such election by virtue of any freehold which shall be let or demised to the person or persons from whom he holds or derives the same, or to any person in trust for him or them, or to his or their heirs or assigns, or which shall be let or demised to any person or persons for the same term for which he holds the same; and that no person, having registered a freehold as of the value of forty shillings, shall be admitted to vote at any such election, unless such freehold shall have been registered twelve calendar months at the least before the teste of the writ for holding such election, except such freehold shall have come to him by descent, devise, marriage, or marriage-settlement; and in case such freehold shall have come to him by descent, devise, marriage, or marriage-settlement, then such person shall not be permitted to vote by virtue thereof, unless the same shall have been registered six calendar months previous to the teste of such writ.

Rent-charger not to vote unless freehold registered 12 months.

40s. freeholder not to be admitted to vote, if freehold let to person under whom derived; or if freehold let for term for which held; or unless 12 months registered; unless derived by descent, &c. If freehold shall come by descent, to be 6 months registered.

24. AND be it further enacted, That no person shall be admitted to vote at any election of any member or members to serve in parliament for any county of a city or county of a town, by virtue of any freehold granted fraudulently, or in exchange for a freehold in any other county, or in consideration of any increase of rent out of any other lands in the same or in any other county, held by such person from the grantor, though such consideration be not expressed in the deed or grant.

None to vote by virtue of freeholds granted fraudulently, or in consideration of increase of rent.

25. AND be it further enacted, That no person shall be admitted to vote at any election of a member or members to serve in parliament, who is under the age of twenty-one years.

None to vote under 21 years old.

26. AND be it enacted, That if any person or persons shall fraudulently and knowingly grant any interest importing to be a freehold, which really is not so, with intent to enable any person to vote as a freeholder at any election of a citizen or citizens, by any county of a city or county of a town, such grant shall be good and valid against the grantor thereof, for every purpose but enabling the grantee to vote.

Grant fraudulently made as freehold, to be valid against grantee.

27. AND be it further enacted, That if such grantor shall be possessed only of a term of years therein, and shall demise the same, or any part thereof, for a life or lives, with intent to induce the lessee therein to register such as a freehold for any county of a city or county of a town, or to vote as a freeholder thereout, he shall forfeit the sum of one hundred pounds to any person who shall sue for the same, by action, bill, plaint, or information, in any court of law.

Penalty on persons making grants as freehold, to induce lessees to register them as freeholds, having only a term of years therein.

28. AND be it further enacted, That from and after the passing of this act, all estates, grants, and conveyances whatsoever, made to any person or persons in any fraudulent or collusive manner, on purpose or with intent to qualify him or them to give his or their vote or votes at any election or elections, citizens for counties of cities, burgesses for

Conveyances made fraudulently to qualify voters shall be deemed valid against the persons who grant them.

All covenants for redemption shall be void.

Persons who execute or prepare such conveyances, or who vote under such, forfeit 100*l*.

No trustee or mortgagee to vote, unless in possession 12 months before the date of writ. Mortgagor may vote. Clergymen not obliged to register ecclesiastical freeholds. None precluded who have disposed of a part, if they retain as much as sworn to.

Town clerk, or other proper officer of city or town, to keep registry book of persons to whom freedom shall be granted;

counties of towns, subject to conditions or agreements to defeat or determine such estates, grants, and conveyances, shall be deemed and taken against the person or persons who granted such estate as free and absolute, and be holden and enjoyed by all and every person and persons to whom such conveyance or grant shall be made as aforesaid, freed and absolutely acquitted, exonerated, and discharged of and from all manner of trusts, conditions, clauses of re-entry, powers of revocation, provisos of redemption, or other defeazances whatsoever, between or with the said parties, or any other person or persons in trust for them; and that all bonds, covenants, collateral or other securities, contracts, or agreements between or with the said parties, or any other person or persons in trust for them, or any of them, for the redeeming revoking, or defeating, such estate or estates, or for the restoring or re-conveying thereof, or any part thereof, to any person or persons, in trust for them, or any of them, shall be null and void to all intents and purposes whatsoever; and that every person who shall make and execute such conveyance or conveyances as aforesaid, or, being privy to such purpose, shall devise or prepare the same, and every person who, by colour thereof, shall give any vote at any election for any such member to serve in parliament, shall for every such grant and conveyance so made, or vote so created or given, forfeit the sum of one hundred pounds sterling to any person who shall sue for the same, to be recovered by information in any of his majesty's courts.

29. AND be it further enacted, That no person shall be admitted to vote at any election by reason of any trust estate or mortgage, unless such trustee or mortgagee shall have been in the actual possession or receipt of the profits thereof, for his own use, twelve calendar months before the date of the writ for holding such election, and the mortgagor or *cestuique trust* in possession (or both, as the case may be) may vote out of such estate, notwithstanding such mortgage or trust: provided always, That no rector, vicar, or curate, shall be obliged to register his freehold arising from his rectory, vicarage, curacy, or other ecclesiastical preferment, or be precluded from voting at any election on account of his not having registered the same: provided always, That no person shall be precluded from voting by virtue of any freehold, on account of having sold, aliened, or disposed of any part of the freehold he shall have registered between the date of such registry and the day he shall offer his vote, if he shall have retained thereof to the annual value sworn in such registry.

30. AND be it further enacted, That the town clerk or other officer of each county of a city or county of a town in Ireland, who shall have charge of the books whereby it shall appear to what persons the freedoms of such city or town shall be granted, and by which it shall appear what persons have been declared entitled to their freedom as of right, shall keep a book containing a list of the names of the persons elected or admitted freemen, and of the persons

to whom all freedoms shall be granted, and of the persons who shall be declared entitled to their freedom as of right; and such town clerk or other officer shall, at the request of any freeman of the said city or town, within ten days from the time of making such request, deliver to such person a list of the names of the persons elected or admitted freemen, and of the persons to whom such freedoms shall be so granted, and of the persons who shall be so declared entitled to their freedom as of right, within such time as shall be specified by such person, such town clerk or other officer receiving for the same at the rate of three-pence for every hundred persons names contained in such list; and if any town clerk or other officer as aforesaid shall omit to keep a book containing the entry of such names, or shall omit to furnish a list of the names of such persons within the time appointed for furnishing the same as aforesaid, after request made as aforesaid, such town clerk or other officer shall for every such offence forfeit the sum of one hundred pounds to any person suing for the same.

and give lists of entries when required, on receiving at the rate of 3d. for every 100 names.

Penalty for neglect, 100l.

31. AND be it further enacted, That any mayor, bailiff, town clerk, or other officer of any corporation having a right to return members to parliament, shall upon the demand of any candidate, agent, or freeman of such corporation, on payment of two shillings and sixpence, permit such freemen, between the hours of twelve at noon and three in the afternoon, at any time to inspect the books and papers wherein the admission of freemen shall be entered, and to have copies or minutes of the admission of so many freemen as such candidate, agent, or freeman shall think fit, upon payment to such mayor or other officer of two shillings and sixpence for every such admission; and such books and papers shall, if demanded by such candidate or his agent or freeman, be produced by such mayor or other officer; and if such mayor or other officer shall refuse or deny such candidate, agent, or freeman the inspection of such books and papers at any election, if demanded and paid for in the manner herein-before set forth, such mayor or other officer shall for every such offence forfeit the sum of one hundred pounds to him, her, or them who shall sue for the same, to be recovered in manner herein-after mentioned.

Officers of corporations to admit candidates, &c. at times herein mentioned, to inspect books on payment of 2s. 6d. and give copies on receiving 2s. 6d. for each admission.

Penalty for refusal, 100l.

32 AND be it further enacted, That no person shall be admitted to vote as a freeman at any election of a member to serve in parliament, whose freedom shall not have come to him by service, birthright or marriage, unless he shall have been elected or admitted to his freedom, or his freedom shall have been granted to him, six calendar months at the least before the teste of the writ for holding such election.

Freemen not to vote unless admitted to freedom, or freedom granted to them, six months before teste of writ.

33. AND be it further enacted, That immediately after the receipt of the writ for making an election for any county of a city or county of a town, the sheriffs or other returning officers of such county of a city or county of a town shall and they are hereby required to indorse thereon the date of receiving the same; and that such sheriffs or other returning officers shall, within two days after the receipt of such writ, cause proclamation of the time and place of

Sheriffs shall indorse on writs for elections the time of receiving thereof, and make proclamation and affix notice on the court house.

holding such election to be made, at the usual place of holding such elections, between the hours of ten of the clock in the forenoon and two of the clock in the afternoon; and that the said sheriffs or other returning officers on the same day shall cause to be affixed on the doors of the court house of such county of a city or county of a town, public notice of a special county court to be there holden for the purpose of such election only, and which shall be holden on the same day (Sunday, Christmas Day, and Good Friday excepted,) nor later from the day of making such proclamation and affixing such notice than eight days, nor sooner than four days.

Whenever more than 800 freeholders are registered in any county of a city or county of a town, additional places of polling shall be provided, &c.

34. AND be it further enacted, That whenever in any county of a city or county of a town the number of freeholders appearing by the books of the clerk of the peace capable of voting at any election for the same shall exceed eight hundred freeholders, it shall and may be lawful for the returning officers and they are hereby required to provide two or more places for the polling the freeholders of such county of a city or county of a town, and to make such division or divisions of the freeholders of such county of a city or county of a town, according to the first letters of their names, that it shall not be necessary for more than eight hundred freeholders to poll in any one place of polling, but so as not to divide the names beginning with the same letter of the alphabet; and such returning officers shall and they are hereby required to appoint as many deputies and poll clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy and one poll clerk for each place of polling; provided, however, that no greater number of polling places shall be provided by such returning officers, than one for every eight hundred freeholders, appearing by the books of the clerk of the peace to be capable of voting at such election.

Deputies and poll clerks to be appointed.

When freemen shall exceed 1,000, two places of polling to be provided for them.

35. AND be it further enacted, That whenever, in any county of a city or county of a town, the number of freemen appearing by the grand panel or roll of freemen of such county of a city or county of a town, capable of voting at any election for the same, shall exceed one thousand, it shall and may be lawful for the sheriffs or other returning officers, and such returning officers are hereby required, to provide two places for the polling of the freemen of such county of a city or county of a town; and that it shall and may be lawful for the returning officers, and they are hereby required to appoint as many deputies and poll clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy and one poll clerk for each place of polling; the respective places of polling of freemen to be separate and distinct from the places appointed for the polling of freeholders; provided, however, that no greater number of polling places than two shall be provided by such returning officers for such county of a city or county of a town.

Poll shall begin on the day when demanded.

36. AND be it enacted, That every poll which shall be demanded at any election of a member or members to

serve in parliament for any county of a city or county of a town in Ireland, shall commence on the day upon which the same shall be demanded, or upon the next day after at farthest (unless such day shall happen to be a Sunday, Christmas Day, or Good Friday, and in such case on the day next after,) and shall be duly and regularly proceeded in from day to day, for so many hours of each polling day as the returning officer or officers is or are by this act directed to keep the poll open (Sundays, Christmas Day, and Good Friday always and only excepted,) until the same be finished, but so that no poll for the election of a member or members to serve in parliament for any county of a city or county of a town in Ireland shall continue more than fifteen days at the most (Sundays, Christmas Day, and Good Friday always excepted;) and if such poll shall continue until the fifteenth day, then the same shall be finally closed at or before the hour of three o'clock in the afternoon of the same day; and the returning officer or officers at every such election shall, immediately after the final close of the poll, truly, fairly, and publicly declare the name or names of the person or persons who hath or have the majority of votes on such poll, and shall forthwith make a return of such person or persons.

ed or the day after, and continue daily, and conclude at 3 o'clock on the 15th day (Sundays, Christmas-day, and Good Friday excepted.)

Return shall be made on the 15th day.

37. AND be it further enacted, That every returning officer shall, before the commencement of polling, take and subscribe in open court the oath following, which every justice of the peace is hereby required and authorized to administer:

Returning officer to take the following Oath:

'I, A. B. do swear, That I will honestly, impartially, and without favour to any candidate, take the poll at this election; and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive any money, gift, reward, promise, contract or security for money or other reward, for or in respect of the conduct which I shall observe during the ensuing poll, or the return which I shall make at the close thereof, except the expences of erecting booths, hiring buildings, keeping them in repair, and the payment of clerks and deputies, and counsel for my assistance; and that I will return such person or persons as shall appear to the best of my judgment, at the close of the poll, to have the majority of legal votes.'

Oath.

And that every deputy appointed by virtue of this act, shall before he proceeds to take the poll, take and subscribe, in open court, the oath following, in the presence of the returning officer or officers, who is and are hereby required and empowered to administer the same:

Deputies to take the following oath:

'I, A. B. do swear, That I will honestly, impartially, and without favour to any candidate, take the poll at this election; and that I have not directly or indirectly received, nor will I hereafter directly or indirectly receive, any money, gift, reward, promise, contract, or security for money or other reward, for or in respect of the conduct I shall observe during the ensuing poll; and that I will make a fair and true return of all such persons as shall tender their votes before me, to be by me taken to the returning officer

Oath.

or officers by whom I am appointed, whenever and as often as I shall be thereunto required by him or them.'

And a memorandum of every of the said oaths being taken shall be entered on the poll book.

Oath of clerk
for taking poll
of freeholders;

38. AND be it further enacted, That every person whom any returning officer at any election for a member to serve in parliament for any county of a city or county of a town shall employ to act as clerk for taking the poll of freeholders shall, before his beginning to take such poll, take an oath in the form following :

'I, A. B. do swear, That I will at this election of a member [or members, as the case may be] to serve in parliament for the county of the city or the county of the town [as the case may be,] of truly and indifferently take the poll, and set down the number opposite to the name of each freeholder, in the registry book, his name and the place of his abode, and the situation and the value of his freehold, and for whom he shall poll.'

His duty.

Which oath every returning officer is hereby authorized and empowered to administer ; and every such clerk of the peace shall enter in a book, to be provided for that purpose, the number which shall appear in the alphabetical registry book opposite to the name of each freeholder who shall tender his vote, or offer to poll at such election, in the booth to which such clerk shall be appointed; the name of such freeholder, and the place of his abode, the situation and value of his freehold, and for whom he shall vote.

Oath of clerk
taking poll of
freemen;

39. AND be it further enacted, That every person whom any returning officer, at any election for a member to serve in parliament for any county of a city or county of a town, shall employ to act as a clerk for taking the poll of freemen, shall, before his beginning to take such poll, take an oath in the form following :

'I, A. B. do swear, That I will at this election of a member or members [as the case may be] to serve in parliament for the county of the city or county of the town [as the case may be,] of truly and indifferently take the poll, and set down the name and the place of abode of each freeman; and for whom he shall poll.'

His duty.

Which oath every returning officer is hereby authorized and required to administer ; and every such clerk shall enter in a book to be provided for that purpose, the name and the place of abode of each freeman who shall tender his vote, or offer to poll at such election, in the booth for which such clerk shall be appointed, the place of abode of such freeman, and for whom he shall vote.

Sheriff shall
attend at a
booth separate
from polling
booths, to de-
cide disputed
questions.

40. AND be it further enacted, That it shall and may be lawful to and for the sheriff and other returning officers, at any election for a member to serve in parliament for any county of a city or county of a town, and they are hereby required to erect a booth or hire a building, unless there shall already be some fit and convenient place for the purpose, wherein they may and shall decide all the disputed questions, and all the objections to votes that may be

referred to them, and which booth or building, or other place, shall be separate from and exclusive of the number of booths or buildings, or other places necessary for the polling of the electors; and such returning officers, or one of them, is and are hereby required to give his or their constant attendance in such separate booth, building, or other place, in which the polling shall continue each day.

41. AND be it further enacted, That the respective deputies to be appointed by the sheriffs or other returning officers, in manner herein mentioned, shall appoint in each place of polling such one person for each candidate as shall be nominated to him by such candidate, to be an inspector of the clerk appointed for taking the poll, and the agent of such candidate in such place of polling; and shall also appoint such one other person for each candidate as shall be nominated by such candidate, to be a clerk for keeping a cheque book of the poll book in such place of polling.

Deputy sheriffs to appoint in each place of polling one person to be inspector and agent, and another to be clerk for checking the poll clerk for each candidate.

42. AND be it further enacted, That the sheriffs, or other returning officers of every county of a city or county of a town, may from time to time during every election remove any deputy who shall be appointed in manner herein directed, and appoint another in his room, or may change any deputy from one booth or building to another, as such returning officers shall think fit: Provided always, that every such removal or new appointment of a deputy, or change from one booth or building to another, shall be made publicly, and proclaimed in the place where such deputy shall take the poll, by the returning officer or officers, or some person to be for that purpose appointed by him or them.

Deputies may be removed, &c.

43. AND be it further enacted, That it shall and may be lawful to and for the officers at any election for a county of a city or county of a town in Ireland, and they are hereby required, on the demand in writing of any candidate, to appoint a sufficient number of competent persons to act as interpreters, in order to translate faithfully such oaths, affirmations, and such questions and answers as are required to be taken, made, asked, or given, at any such election; and that every such interpreter shall, immediately after such appointment and before he shall proceed to act under such appointment, take the following oath; and every returning officer is hereby required and empowered to administer the same:

On demand of candidates returning officers shall appoint interpreters.

‘I, A. B. do swear, That I will faithfully interpret such oaths, affirmations, questions, and answers, as I shall be directed to interpret by the returning officer or officers, and his or their deputy or deputies [as the case may be.]

Oath.

And that every such person so appointed for the purpose aforesaid shall be entitled to receive the sum of ten shillings for each day of his attendance.

44. AND be it further enacted, That the clerk of the peace, at every election of a member to serve in parliament for any county of a city or county of a town in Ireland, shall appoint, or in failure thereof, the sheriffs or other

Clerk of the peace shall appoint a deputy to attend at election with registry

books and original affidavits of registry alphabetically arranged, &c.

inferior officers thereof shall appoint a deputy clerk of the peace, who shall attend with the original registry book or books in which the entries of the registry of all freeholds shall be first entered at the booth to be provided for the sheriffs or other returning officers, as hereby directed, and also a deputy clerk of the peace, and also an assistant to such deputy, to be present in each place of polling of freeholders; and such deputy shall take with him into such place of polling such of the alphabetical registry books belonging to the county of a city or county of a town, as shall contain the names of the freeholders to be polled in such place of polling, and the original affidavits or affirmations which shall have been made by the persons capable of voting in such place of polling respectively; which affidavits or affirmations the clerk of the peace is hereby required to have arranged alphabetically in separate parcels (one or more for each letter of the alphabet), and indorsed with the names of the persons by whom the same were respectively made, and also with the number of the entry of each affidavit or affirmation in the original registry book or books; and that in those cases wherein a certificate of registry shall not be produced by the person tendering his vote or offering to poll, such deputy shall, on the demand of the returning officer's deputy, produce the original affidavit or affirmation of the registry of such person; and that such deputy clerk of the peace shall be entitled to receive the sum of ten shillings and no more, for each day of his attendance, any act to the contrary notwithstanding; and such assistant to such deputy shall be entitled to receive the sum of five shillings for each day of his attendance; and that if such deputy or such assistant to such deputy shall alter, deface, destroy, or lose any affidavit or affirmation of registry committed to his care, he shall forfeit the sum of ten pounds for every such offence, to any person suing for the same, by action of debt, at any general quarter sessions of the peace.

Such deputy to receive 10s. per day, and his assistant 5s. per day. Penalty for altering or defacing affidavits, 10l.

Deputy town clerk to attend sheriffs with books containing entries of grants of admissions to freedoms.

45. And be it further enacted, That at every election of a member to serve in parliament for any county of a city or county of a town in Ireland, the town clerk or other officer having charge of the books relating to the granting or electing of or admissions to freedoms for such county of a city or county of a town shall appoint, or in failure thereof the sheriffs or other returning officers shall appoint a deputy town clerk or other such officer as shall have charge of such books, and such deputy so appointed shall attend in the place appointed for the attendance of such sheriffs or other returning officers, and shall take such books with him thereto; and in case the sheriffs or other returning officer shall deem it expedient to refer to any of the entries contained in such books, such deputy town clerk or other officer shall produce the same to such sheriff or other returning officer; and such deputy town clerk or other returning officer shall be entitled to receive the sum of ten shillings, and no more, for each day of his attendance.

Allowance for attendance 10s. per day.

46. AND be it further enacted, That at every election for a member to serve in parliament for a county of a city or county of a town in Ireland, the town clerk or other officer having charge of the grand panel or roll of freemen of such county of a city or county of a town, shall provide a copy of such grand panel or roll of freemen for each place of polling freemen at such election; and shall appoint, or in failure thereof, the sheriffs or other returning officers of such county of a city or county of a town shall appoint a deputy town clerk or other officer, having charge of such grand panel or roll of freemen for each place of polling freemen at such election; and such deputy so appointed shall take with him to such place of polling a copy of such grand panel or roll of freemen, and shall produce and refer to the same, as shall be directed by the sheriffs or other returning officers or their deputy, presiding in such place of polling; and each of such deputies shall be entitled to receive the sum of ten shillings and no more for each day of his attendance.

Town clerk to provide copy of grand panel or roll of freemen for each polling place, for freemen; and shall appoint deputy to attend with it.

Attendance 10s. per day.

47. AND be it further enacted, That at every election of a member or members to serve in parliament for any county of a city or county of a town, the returning officer's deputy shall, if required by any candidate or the inspector of any candidate so to do, in person administer, in the place of polling in which he presides, an oath, in the following form, to every person separately who shall tender his vote, or offer to poll at such election, and immediately after the production of the certificate or affidavit of registry, when any such person offers to vote by virtue of a freehold; (that is to say),

Oath of not having voted before and of being of age, to be put, if required.

'I, A. B. do swear, [or being a quaker or Moravian, do solemnly affirm], That I will true answer make to all such questions as the sheriffs or other returning officer's deputy [as the case may be], presiding in this booth, shall demand of me; and I do also swear, [or being one of the people called quakers or Moravians, do solemnly affirm], That I have not polled before at this election, and that I am, as I believe, twenty-one years of age. 'So help me God.'

Oath.

48. AND be it further enacted, That at every such election for a county of a city or county of a town, the returning officer's deputy shall, if required by any candidate, or the inspector of any candidate so to do, also administer, in the place of polling in which he presides, an oath in the following form, to every person separately who shall tender his vote, or offer to poll at such election, before such person shall be permitted to poll:

Oath of not having received reward for voting to be administered, if required.

'I, A. B. do swear, [or, being of the people called quakers, I, A. B. do solemnly affirm], I have not received or had myself, or any person whatsoever in trust for me, or for my use and benefit, or for the use and benefit of any of my family or kindred, to my knowledge or belief, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or any promise or security for any money, office, or employment, in order to give my vote at this election.'

Oath.

Deputy to refer to registry book, and certificate of registry deemed conclusive evidence, and in default thereof, the original affidavit.

49. AND be it further enacted, That in every case in which any person shall tender his vote, or offer to poll at any election for a member to serve in parliament for a county of a city or a county of a town, by virtue of a freehold, the returning officer shall, in the first place, refer to the entry of the registry of the affidavit or affirmation, in the alphabetical book furnished by the clerk of the peace in which the same shall be contained, and write down opposite to the same the initial letters of his name, and then he shall refer to the certificate or affidavit of the registry of the same; and that if any such person shall produce a certificate of the registry of his freehold corresponding with such entry of the original affidavit or affirmation, without any erasure or interlineation therein, signed as required by law, such certificate shall, without further proof, be deemed of equal authenticity with the original oath or affirmation, and conclusive evidence that such person so tendering his vote, or offering to poll, had registered such freehold, and the returning officer's deputy shall write down the initials of his name upon the margin of such certificate; and that in all cases wherein no such certificate shall be produced by the person tendering his vote, or offering to poll, or wherein such certificate, if produced, shall appear to the returning officer's deputy not to be in manner and form as aforesaid, it shall and may be lawful for the returning officer's deputy, and he is hereby required to direct the deputy clerk of the peace to produce the original affidavit or affirmation of the registry of the freehold of such person so tendering his vote, or offering to poll.

When entry of freehold appears in registry, vote to be taken unless oaths required or objections made.

50. AND be it further enacted, That whenever the entry of the affidavit or affirmation shall appear in the registry book, and that any such person shall have produced such a certificate of registry as is herein-before described, or that the original affidavit or registry shall have been produced by the deputy clerk of the peace, and that such person so tendering his vote, or offering to poll, shall have taken the oaths aforesaid, if required so to do, such deputy shall then ask such person for whom he votes, and the vote of such person shall be entered on the poll book according to his answer, unless such deputy shall be required by any candidate, or the agent of any candidate, to put to such person the questions herein-after mentioned, or unless an objection be made to such vote in manner herein directed: Provided always, that it shall and may be lawful to and for the returning officer's deputy to take the vote of any person tendering his vote, or offering to poll, whose freehold appears on the registry book, without referring to the certificate or affidavit or affirmation of registry, if he be not required by any candidate, or any inspector of any candidate, so to do.

Questions to be put to voters and to freeholders if required.

51. AND be it enacted, That the returning officer's deputy shall, if required by any candidate or the agent of any candidate so to do, put the following questions, and no others, to any person tendering his vote, or offering to poll

at any election for a member to serve in parliament for a county of a city or county of a town in Ireland, without allowing any person to interrupt him :

1. What is your name ?

2. Where do you reside ?

3. Do you swear that you are possessed of a freehold in the county of the city or county of the town of [naming the county of a city or county of a town for which the election is held?]

4. Where is such freehold situated ?

And that the returning officer's deputy shall then, if required by any candidate or the inspector of any candidate so to do, refer to the certificate of registry, if one be produced by the person tendering his vote or offering to poll, or if none be produced, to the original affidavit of registry, and then shall immediately ask, if required by any candidate or the inspector of any candidate so to do, without making or allowing any other person to make any comments or observations upon the said certificate or affidavit, the following questions :

5. Is the freehold described in this certificate or affidavit of registry [as the case may be] the same freehold which you now swear you are possessed of, or by virtue of which you now offer to vote ?

And that in case it shall appear to the returning officer's deputy, from the certificate or affidavit of registry, that any person shall tender his vote or offer to poll in respect of a freehold of the value of forty shillings only, the said deputy shall then, if required by any candidate so to do, put the following questions :

6. Do you swear that you have been in the actual occupation of this freehold, as described in your certificate or affidavit of registry [as the case may be] by tilling it or by grazing it or by residing upon it during the whole of the last twelve months ?

7. Do you swear that the freehold is now of the clear yearly value of forty shillings, above all charges payable out of the same ?

And when such person so tendering his vote or offering to poll shall have answered the questions that shall have been demanded of him as aforesaid, such deputy shall ask such person for whom he votes ; and the vote of such person shall be entered in the poll book according to his answer, unless an objection be made to such vote in manner herein directed : provided always, that if it shall appear to such deputy, from the answers which shall be given by any person to the first four questions aforesaid, that his freehold arises from a rectory, vicarage, or curacy, or other ecclesiastical preferment, the said deputy shall not proceed to put to such person the other questions herein-before mentioned ; but when such person shall have answered such four questions, such deputy shall ask such person for whom he votes ; and the vote of such person shall be entered in the poll-book according to his answer, unless an objection be made to such vote in manner herein directed ; and provided al-

If entry of freehold shall not appear in book, &c. deputy to refer person offering to vote to returning officer.

ways, that if an entry of the affidavit or affirmation of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book, or that if any person tendering his vote or offering to poll shall not either produce such certificate of registry as by law required, or be able to refer to an original affidavit or affirmation of his registry, in the possession of the deputy clerk of the peace, or that if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer's deputy, or that the person so examined shall admit in his answer or answers to the said question or questions that he is not the person whose freehold is registered, or that he has no freehold, or that the freehold described in his certificate or affidavit or affirmation of registry [as the case may be], is not the freehold for which he tenders his vote, or that he has not been in the occupation thereof for the whole of the last twelve months, or that the same is not at the time of tendering his vote of the value of forty shillings, above all charges payable out of the same; then and in every and in any such case it shall and may be lawful to and for such deputy, and he is hereby required, authorized, and empowered to refer such person to the returning officer or officers, or his or their assessor, for examination, and to proceed immediately to receive the vote of the next person who shall tender his vote or offer to poll.

Questions to be put to persons offering to vote as freemen, if required.

52. AND be it further enacted, That in every case in which any person shall tender his vote or offer to poll at any election for a member to serve in parliament for any county of a city or county of a town, the returning officer's deputy shall, if required by any candidate or the agent of any candidate so to do, put to such person the following questions, and no other:

What is your name?

Are you a freeman of the county of the city or county of the town of [naming the county of a city or county of a town for which the election is held?]

Have you been sworn?

Provided, always that where the right of election in any county of a city or town in Ireland shall have been determined, under and by virtue of any act or acts of parliament now in force for the trial of controverted elections or returns of members to serve in parliament, to be in the resident freemen only of the county of a city or town, the returning officer's deputy shall, if required by any candidate, or the agent of any candidate, put the following additional questions to any person offering to vote as a freeman:

When were you admitted a freeman thereof, or elected a freeman thereof; or, was the freedom thereof granted to you, to the best of your knowledge and belief?

Where did you reside in the month of _____ in the year _____? [here stating the time of admission, election, or grant of the freedom.]

And the answers to which questions shall be inserted in the

poll books : and when the person so tendering his vote, or offering to poll, shall have answered such questions, such deputy shall ask such person for whom he votes ; and the vote of such person shall be entered in the poll-book according to his answer, unless an objection be made to such vote, in manner herein directed.

53. AND be it further enacted, That at any election for a member to serve in parliament for any county of a city or county of a town, no objection shall be made to vote, until after the person tendering the same shall have declared for whom he votes ; and that if the vote of any person shall be then objected to by an inspector of any candidate, the poll shall not be on that account delayed, but the returning officer's deputy shall direct the poll-clerk to enter a memorandum on the poll-books, shewing to which candidate or candidates such person has given his vote, and he shall immediately proceed to receive the vote of the next person who shall tender his vote or offer to poll ; and that the inspector who shall have made the objection on behalf of any candidate, shall instantly write down a memorandum on a printed form, to be provided by the returning officer, containing the name of the voter, the place of his abode, and the nature of the objection or objections, and sign and date the same, and shall give the same to the returning officer's deputy, and shall sign the same with the initial letters of his name, and then give the same to the assistant deputy clerk of the peace, who shall take the same, together with the certificate or affidavit or affirmation of registry, if it shall be necessary so to do, to the returning officer, to decide on the validity thereof ; and that it shall thereupon be lawful to and for the returning officer or officers, or his or their assessor, at the discretion of such returning officer or officers, or his or their assessors only, to order the voter to attend before him or them during the enquiry into his vote, and for such returning officer or officers, or his or their assessor, to examine such voter, by such questions as such returning officer or officers, or his or their assessor, shall think necessary to ask, as to any objection or objections made to his vote ; and such returning officer or officers, or his or their assessor, shall administer an oath to such voter, in the form following :

‘ I, A. B., do swear, [or, being a quaker or Moravian, do solemnly affirm], That I will true answers make to all such questions as shall be here put to me by the returning officer or officers, or his assessor, [as the case may be.]

‘ So help me God.’

And that if the vote shall be allowed, the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, ‘ allow this vote ;’ and that if the vote shall be disallowed, then the returning officer or officers, or his or their assessor, shall write down upon the memorandum these words, ‘ reject this vote ;’ and that in either case, the returning officer or officers, or his or their assessor, shall write down the initials of his or their name or names under the words so directed to be written

Where vote is objected to, a memorandum of the objection shall be made by the poll clerk for the returning officer to decide.

Oath to be administered to such voter.

Vote may be allowed or rejected by returning officer or his assessor.

down upon the memorandum; and the returning officer or officers, or his or their assessor, shall then deliver the said memorandum to the same assistant deputy clerk of the peace who had brought it to him or them, to be forthwith carried back to the returning officer's deputy; and that such deputy shall either reject such vote, or order the poll clerk to enter the same upon the poll for the candidate or candidates to whom it had been given, according as he shall be directed by the returning officer or officers, or his or their assessor; and that every such memorandum shall be preserved by such deputy, and be delivered to him by the returning officer or officers, to be attached to the poll books at the close of the election; and that the form of the said memorandum so to be prepared as aforesaid, shall be as follows:

<i>Form of Objection as to Freeholders.</i>			
Number in the Registry Book.	Name of Voter.	Abode of Voter.	Objection.
		(Signed)	
		Dated day of 18	
Allow this Vote. (Signed)		Reject this Vote. (Signed)	

<i>Form of Objection as to Freemen.</i>		
Name of Voter.	Abode of Voter.	Objection.
	(Signed)	
	Dated Day of	
Allow this Vote. (Signed)		Reject this Vote. (Signed)

Form of Objection to Freemen, where the Right of Election shall have been determined, under and by virtue of any Act or Acts of Parliament now in force for the Trial of controverted Elections or Returns of Members to serve in Parliament to be in the resident Freemen.

Name of Voter.	Date of Original Entry in Corporation Books of Election to, Grant of, or Admission to Freedom.	Residence at Time of Original Entry in Corporation Books of Election to, Grant of, or Admission to Freedom.	Objection.
		(Signed)	
		Dated	
Allow this Vote.		Reject this Vote.	
(Signed)		(Signed)	

Provided always, That in case any objection be taken to vote which shall not be in substance different from one previously ruled by the returning officer or officers, or his or their assessor, or in case any objection be taken which shall appear to such deputy to be frivolous, or taken for the purpose of delay, that then in every such case it shall not be lawful to and for the deputy to transmit the memorandum containing such objection to the returning officer or officers, and that in every such case such deputy shall admit the vote so objected to, to be entered upon the poll.

54. AND be it further enacted, That if an entry of the affidavit or affirmation at any election for a member or members to serve in parliament for any county of a city or county of a town in Ireland, of the registry of the freehold of any person tendering his vote or offering to poll, required by law to be registered, shall not appear in the registry book, or if any person tendering his vote, or offering to poll, shall not either produce such certificate of registry

Circumstances under which returning officers reject vote of person claiming to be freeholder.

as by law required, or be able to refer to an original affidavit or affirmation of his registry, in the possession of the deputy clerk of the peace, or if any such person shall refuse to take the oath aforesaid, or shall not give a direct answer to each of the questions to be put to him by the returning officer or officers, or his or their assessor, or if it shall appear to such returning officer or officers by the admission of the person so offering to vote, or upon a due examination of one or more credible witness or witnesses, upon his or their oath or oaths (which oath or oaths the returning officer or officers is and are hereby authorized and empowered to administer), that the person offering to vote by virtue of a freehold at such election has polled before at such election, or has personated another elector for the purpose of polling at such election, or has polled by virtue of a forged certificate of registry, or offers to poll by virtue of a registry of an alleged freehold, under a lease for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein, or by virtue of a registry of an alleged freehold, under a lease for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same, or by virtue of any freehold estate of which he shall not be *bonâ fide* seised, then and in any or either of such cases, the returning officer or officers shall reject the vote of the person so tendering such vote, or so offering to poll at such election.

Circumstances under which votes tendered by persons claiming to be freemen may be rejected.

55. AND be it further enacted, That if at any election for a member or members for any county of a city or county of a town in Ireland, it shall appear to the returning officer or officers, that any person tendering his vote, or offering to poll at such election, has personated any freeman for the purpose of polling at such election, or that such person is not a freeman, or (unless the freedom of such person shall have come to him by service, birth-right, or marriage), that he has not been admitted to his freedom, or that his freedom has not been granted to him six months at the least before the teste of the writ for holding such election, then and in any or either of such cases such returning officer or officers shall reject the vote of the person so tendering such vote, or offering to poll at such election.

Improper votes to be taken off the poll by the returning officer on complaint of candidate before the final closing of the poll.

56. AND be it further enacted, That if any person shall be admitted to poll at any election for a member to serve in parliament for a county of a city or county of a town, who has polled before at such election, or who has personated another elector for the purpose of polling at such election, or who has polled by virtue of a forged certificate of registry, or who has polled by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein; or by virtue of a registry of an alleged freehold under a lease of land or tenements for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same; or by virtue of any freehold estate of which he shall not be *bonâ fide* seised; it shall and

may be lawful for the returning officer or officers, and they are hereby required, authorized, and empowered, upon the complaint of any candidate, to take the vote of such person off the poll at any time before the final closing of the same: provided always, that the act complained of as having been committed by such person be set forth and described, and positively declared to have been committed by such person in an affidavit to be sworn before a justice of the peace, and that such affidavit be delivered to the returning officer or officers; and further, that the act complained of shall appear to the returning officer or officers, upon a due examination of one or more credible witness or witnesses concerning the same, upon his or their oaths, to be proved to have been committed by such person, which oath or oaths the returning officer or officers is or are hereby authorized and empowered to administer: provided always, that the affidavit setting forth every such complaint shall be delivered to the returning officer or officers on the same day on which the act complained of shall have been committed.

Affidavit to be sworn to, and witnesses examined on oath as to the complaint.

57. And be it further enacted, That it shall not be lawful for any other person whatever, other than the returning officer or officers, or his or their assessor, to ask any question of any person who shall be examined by the returning officer or officers, or his or their assessor, on account of his vote, or the vote of any other person or persons, having been objected to, but that it shall and may be lawful to and for the returning officer or officers, or his or their assessor or assessors, at the discretion of such returning officer or officers, or his or their assessor only, to permit a barrister or barristers to argue any question of law before him or them.

Returning officer only to examine voters objected to.

58. And be it further enacted, That it shall not be lawful for any person, whether barrister, attorney, inspector, agent, candidate, or elector, or any other person whatsoever, to plead or speak in any place of polling during the hours appointed for polling under this act, on any matter or thing whatsoever.

Restraining persons from speaking during the time of polling.

59. And be it further enacted, That it shall and may be lawful to and for the returning officer or officers, or his or their deputy or deputies, at any election, and he and they is and are hereby authorized and empowered to commit all persons to gaol, without bail or mainprize, who shall plead or speak on any matter or thing contrary to the provisions of this act, or who shall be found rioting or interrupting the poll, or wilfully preventing the approach of electors to the place of polling, or who shall be guilty of a contempt to such returning officer or officers, or to such deputy or deputies; provided that the time of such imprisonment shall not in any case exceed twenty-four hours.

Returning officer may commit persons obstructing the poll.

60. And be it further enacted, That it shall not be lawful for any deputy of any returning officer to put any questions to any person tendering his vote, or offering to poll at any election for a member to serve in parliament for a county of a city or a county of a town, save and except those questions herein-before directed to be put, or to make any com-

Deputies shall not reject votes or examine voters except as before provided.

ments or observations on the answers which may be given to the same, or on any matter or thing relating to any vote which may be tendered before him; and that if any objection be made to any vote at any election for a county of a city or a county of a town, or other place, such objection shall be forthwith referred by the returning officer's deputy as herein-before directed, to the returning officer; and that it shall not be lawful for any such deputy to investigate the right of any person to vote further or otherwise than as herein-before directed, or to reject the vote of any person, without reference to the returning officer.

Instructions to be observed by deputies.

61. AND be it further enacted, That every returning officer shall give such instructions in writing to his deputy or deputies appointed for taking the poll at any election, as may be necessary to point out to him or them what is required of him or them to be done in respect of the objections to votes which may be made, and in respect of the manner of transmitting them to such returning officer or officers, and in respect of the due performance of his or their duty as such deputy or deputies, and that every such deputy shall obey such instructions as shall be so given by such returning officer or officers.

Deputy to close and give up his poll book each day to officer, who shall sum up the number. 50*l*. penalty on deputy refusing to deliver poll book, or polling after directed to stop, or before directed to begin, and votes not allowed.

62. AND be it further enacted, That every deputy shall, upon notice given to him by the returning officer, each day close his poll book, and deliver in the same immediately to such officer, who shall sum up thereupon the number of votes polled on such day for each candidate, to be read aloud in open court; and if any deputy shall refuse to deliver his poll book when required by the returning officer, or shall continue to take the poll after he shall have been directed by him to stop, and before he shall be again directed by him to proceed, or after his deputation shall be revoked, he shall forfeit the sum of fifty pounds, to any person who shall sue for the same, to be recovered as herein-after directed; and every vote admitted by him after such refusal or direction to stop, or revocation, shall be void, and the person who offered such vote shall not be deemed to have voted, and is hereby declared not to have voted or to have been polled at such election.

Deputy sheriffs and officers neglecting their duty at election shall lose their compensation.

63. AND be it further enacted, That any deputy sheriff, poll clerk, clerk of the peace, deputy clerk of the peace, assistant deputy clerk of the peace, deputy town clerk, or other officer, interpreter, constable, bailiff, or peace officer, who shall absent himself from the duty of his office at any election of a member or members to serve in parliament for any county of a city or county of a town, during any part of the time that the poll shall be kept open on each day, shall forfeit all compensation for his attendance during such election; and that the returning officer or officers is and are hereby authorized and required, in case of the absence, neglect, misconduct, or insufficiency of any such person or persons, immediately to remove any such person or persons, and to appoint a person or persons to fill his or their place or places.

64. AND be it further enacted, That the returning officer

or officers, at every election for a member to serve in parliament for any county of a city or county of a town, shall cause the poll to be kept open in every place, and on every day of polling, from ten of the clock in the morning, except on the first day of polling, until five of the clock in the afternoon, except on the last day of polling, between the fifteenth day of April and the fifteenth day of September, and from ten of the clock in the morning, except on the first day of polling, until four of the clock in the afternoon, except on the last day of polling, between the fifteenth day of September and the fifteenth day of April; and that in case any disputed question, or any objections to votes referred to him or them by his or their deputy or deputies shall not be decided during the time for which the poll shall be so kept open, the returning officer or officers shall give his or their attendance in his or their booth or other place of sitting, and proceed to decide the same after the polling shall have ceased, or before the polling shall have commenced on any day or days of polling, except the last day of polling.

Appointing the hours for commencing and ending the poll each day.

65. AND be it further enacted, That it shall and may be lawful for the returning officer or officers, at any election for a member to serve in parliament for every county of a city or county of a town, and he and they is and are hereby required, on any day after the fourth day of polling, computing therein the day on which the poll shall be commenced, to close finally the poll in any booth or place of polling in which no more than twenty persons have polled, or been referred for decision to the returning officer or officers, during that day: provided always, that in case it shall appear, upon the evidence of two or more credible witnesses taken upon oath (and which oath the returning officer or officers is and are hereby empowered to administer), to the returning officer or officers, that any person intending to offer themselves to poll in such booth or place of polling have been prevented by force and violence from coming to the same for the purpose of polling on that day, that then and in every such case it shall be lawful to and for the returning officer or officers to keep such booths or place of polling open for another day, and so on from day to day if such force and violence be repeated, and be found to have taken place on such evidence as aforesaid, to the satisfaction of the returning officer or officers.

After the 4th day returning officer may close any booth when 20 have not polled in the day.

But booths for polling may be kept open if persons be prevented by force from coming to the same.

66. AND be it further enacted, That at any election of a member to serve in parliament for any county of a city or county of a town, it shall be lawful to and for the returning officer or officers to summon all constables, bailiffs, and other peace officers to attend the places of polling, and to keep the peace at such election, and to perform such other things as shall be assigned to him by the returning officer or officers, and to appoint any number of special constables that he or they may think proper to aid and assist therein; and that every constable, bailiff, or peace officer, when so summoned, who shall neglect to attend during the whole of such election, or to obey the lawful commands of

Returning officer may summon constables, bailiffs, &c. to attend elections.

the returning officer or officers, shall forfeit such office of constable, bailiff, or other peace officer, and all salary due to him in respect thereof.

In case of death or illness of returning officer, the first sworn deputy shall perform the duty.

67. AND be it further enacted, That in case of the death or the severe illness of any returning officer, during the continuance of the poll at any election for a county of a city or county of a town, it shall and may be lawful for the other returning officer, if there be two such returning officers, or for the first sworn deputy, if there be but one returning officer, or being two returning officers, in case of the death or severe illness of both such returning officers, is hereby required, under the penalty of forfeiting five hundred pounds, and such other returning officer or such sworn deputy, as the case may be, to any person who shall sue for the same, to proceed with the poll, and to act in every respect for all the purposes of the election, and with all the power and authority to do any act required by law to be done by a returning officer at any such election, as if he had been originally the returning officer; and that such deputy shall take the oath directed by law to be taken by the returning officer at the commencement of the poll, which oath any two justices of the peace are hereby authorized to administer, and that such other returning officer, or deputy, shall proceed with the poll, and finally close the same at the time herein-before required, and make a return of the person or persons who hath or have the majority of votes, unless his authority shall be superseded by the recovery of the returning officer; and that in case of the death or severe illness of such first sworn deputy, the next deputy in succession shall act as the returning officer, subject to the like penalty, and with the same powers, and take the returning officer's oath in manner aforesaid, and so on, each deputy in succession shall in like manner act as the returning officer, in case of the death or severe illness of the acting returning officer, and another deputy, or other deputies, shall be appointed in lieu of the deputy or deputies who may thus take the place of such returning officer or officers: provided always, that the deputy, who shall thus take the place of such returning officer, shall be entitled to the same remuneration; for his services at such election as if he had continued to act as deputy.

In case the first sworn deputy should not be able to act, then the deputies in succession shall perform the duty.

No more to be returned than required by the writ.

Officer to have casting voice.

68. AND be it further enacted, That no returning officer or officers for any county of a city or county of a town, shall, upon any pretence whatsoever, return more than the number of persons they or he shall, by the writ or precept, be required to return; and that, in case of an equality of voices for any two or more candidates, where two sheriffs or other returning officers shall preside, upon the close of the poll, the sheriff or other returning officer, whose name shall stand first in the appointment to the office, shall, if he be present, give a casting voice; and if he be not present, the junior sheriff or returning officer shall give such casting voice, whether such sheriffs or other returning officers shall be otherwise legally qualified to vote or not, or whether they shall have voted or not at such election; and if any

returning officer or officers shall return more than the number of persons, who shall by the writ or precept be directed to be returned, such returning officer or officers shall forfeit the sum of two thousand pounds to the person who shall first sue for the same, to be recovered as herein-after directed; and such returning officer or officers shall be rendered incapable of ever after voting at any election for a member or members to serve in parliament.

Officer to forfeit 2,000*l.* if he returns more than the number directed, and to be incapable of voting.

69. AND be it further enacted, That if any returning officer or officers, or any deputy, who shall be appointed pursuant to this act, shall unnecessarily and wilfully protract the poll, or be guilty of any wilful and unnecessary delay in taking the same, every such returning officer or officers and every such deputy so offending shall forfeit the sum of five hundred pounds to any person who shall sue for the same, to be recovered as herein-after directed.

Returning officer or deputy causing unnecessary delay to forfeit 500*l.*

70. AND be it further enacted, That if any person or persons shall violently, riotously, or outrageously disturb or interrupt any election, or the proceedings of the poll, such disturbance, riot, or misbehaviour, shall not be any excuse to the returning officer or officers, nor afford him or them any pretence for closing the poll, or making a return; but the court shall thereupon be adjourned for some convenient time, as the occasion may require; and, if necessary, shall be further continued by adjournment from time to time, until such disturbance shall have ceased, when such returning officer shall again proceed in taking the poll; and every person who shall be, by due course of law, convicted of having violently, riotously, or outrageously disturbed the court, or otherwise misbehaved, so as forcibly to interrupt the proceedings of the poll, or of having wilfully effaced, obliterated, torn, altered, or destroyed the whole or any part of the poll books of the returning officer or officers, or any deputy, whereon any thing relative to the said election shall have been entered, or of having forcibly or fraudulently taken or secreted the same, or any part thereof, or the writ or precept for holding such election, shall be adjudged guilty of felony; and be transported for seven years.

Rioting not to be an excuse for closing the poll.

Persons rioting or injuring poll book, &c. to be transported for seven years.

71. AND be it further enacted, That in every case in which a poll shall take place at any election for any county of a city or county of a town in Ireland, the returning officer shall certify in his return to the writ for holding such election the names of the candidates, and the numbers who voted for each candidate, as it appeared at the final close of the poll, and such certificate shall be admitted as evidence of the truth of the facts therein certified, unless disproved by contrary evidence.

Return writ to contain certificate of numbers who voted for respective candidates.

72. AND be it further enacted, That in case of a general election, the returning officer or officers, who shall receive any writ for the election of any member or members to serve in parliament for any county of a city or county of a town, shall make due return of such writ to the clerk of the crown, on or before the day on which such writ shall be returnable; and that in all cases where such writ shall be issued during a session or prorogation of parliament, the return shall be

When writs of election are to be returned.

Penalty 100*l*.

No fee or reward to returning officer; contracts for making a return shall be void.

Persons giving or accepting such, forfeit the amount and 200*l*.

Election of persons under 21 years shall be void, and new writs issued.

Punishment of officers returning corruptly or partially.

Poll books to be delivered to the clerk of the peace to be kept among the records of the county.

made of such writ to the clerk of the crown, within forty days after the teste thereof; and all and every such returning officer or officers as shall make default therein shall forfeit to any person who shall sue for the same the sum of one hundred pounds for each day such default shall be made, to be recovered in manner herein-after mentioned.

73. AND be it further enacted, That no fee, gratuity, or reward whatsoever shall be given, paid, received, or taken, by any sheriff or returning officer or officers of any county of a city or county of a town, for making out, or for the delivery, return, or execution of any writ or precept, for the electing a member or members to serve in parliament; and that all contracts, promises, bonds, and securities to be made or given to any sheriff, or other returning officer or officers, for making a return of any member to serve in parliament, or to pay such sheriff or returning officer or officers any sum or sums of money, by way of gratuity or reward for making such return or otherwise in respect thereof, shall be and are hereby declared to be null and void; and whosoever shall make, give, or accept of such contract, promise, bond, or other security, or any gift or reward to procure any false return, shall forfeit a sum equal to the value given or intended to be given, or accepted in such contract, promise, or other security, gift or reward; and also the further sum of two hundred pounds to any person who shall first sue for the same, to be recovered as herein-after directed.

74. AND be it further enacted, That every election or return of any persons to serve in parliament for any county of a city or county of a town, who shall be under the age of twenty-one years, shall be deemed null and void; and that if it shall be determined by any committee of the house of commons, who shall try any petition presented against any such election or return, that such person was under the age of twenty-one years on the day of such election, a new writ shall forthwith issue for the election of another person in his place.

75. AND be it further enacted, That every returning officer who shall be, by due course of law convicted of having acted corruptly or partially in the execution of his duty as returning officer, at any election of a member or members to serve in parliament, for any county of a city or county of a town, shall be adjudged guilty of high misdemeanor, and shall be imprisoned for a period not exceeding three years; and such person so convicted is hereby declared to be for ever incapable of holding any office or situation, civil or military, under the crown.

76. AND be it further enacted, That in every case in which a poll shall take place as aforesaid, the returning officer shall, within twenty-one days of the final close of such poll, deliver all the poll books of such election to the clerk of the peace for such county of a city or county of a town, verifying upon oath, (which oath any justice of the peace for such county, county of a city, county of a town or place, is hereby empowered to administer,) that the poll books

which he delivers in are the original poll books of such election, upon which the return was founded; and that from the final close of the poll to the time he delivers in the same, there has not been any obliteration, erasure, addition, or alteration made therein, and such poll books shall be carefully kept amongst the records of such county of a city or county of a town, and the production of such poll books, by such clerk of the peace or officer, or his deputy, shall be deemed sufficient evidence of the authenticity thereof, unless the same shall be disproved.

77. AND be it further enacted, That the sheriffs or other returning officers of every county of a city or county of a town shall, at the same time that they shall return the poll books used at every election for such county of a city or county of a town to the clerk of the peace, as herein-before directed, return therewith an account of the sums received for the expences of such election from the several candidates, and the application thereof, and shall verify the same on oath, which oath any justice or justices of the peace is and are hereby authorized to administer.

Account of sums received by sheriffs for expences of election to be returned with the poll books to clerk of the peace.

78. AND for the better securing the performance of the duties directed to be performed by the clerk of the peace or his deputy, in respect to the registry of freeholds, be it further enacted, That the several clerks of the peace, or their deputies, of the several counties of cities and counties of towns of Ireland, shall, at the general quarter sessions of the peace or adjournment thereof next after the passing of this act, or at the next general quarter sessions of the peace or adjournment thereof next after his appointment, take and subscribe an oath in the form following, and which oath the justices presiding at the said session are hereby directed and empowered to administer:

Clerk of the peace to take an oath for the performance of his duty.

‘I, A. B. clerk or deputy clerk of the peace for the county of [as the case may be] do swear, that I will faithfully and honestly, and without favour or affection, perform and discharge the several duties directed to be performed by the clerks and deputy clerks of the peace, by an act passed in the third year of his present majesty's reign, intituled [here set forth the title of this act;] and that I will not demand or receive any fee or fees for discharging any of the said duties which I am not entitled to by law. So help me GOD.’

And which the said clerks and deputy clerks of the peace are hereby required to deliver to the treasurer of the county of the city or county of the town (as the case may be) to be preserved amongst the records of the county.

79. AND be it further enacted, That no person to be hereafter elected to serve in parliament for any county of a city or county of a town shall, after the teste of the writ of summons to parliament, or after the vacancy shall have happened to supply which the election shall be held, by himself, his friends or agents, or any person or persons employed in his behalf, directly or indirectly, give, present, or allow to any person or persons, having a vote or votes in such election, any money, meat, drink, entertainment, or provi-

Entertainments, presents, cockades, promises, &c. disallowed.

sion, cockades, ribbands, or any other mark of distinction, or make any present, gift, reward, or entertainment, or shall at any time hereafter make any promise, agreement, obligation, or engagement, or give or allow any money, meat, drink, provision, present, entertainment, or reward, to or for any such person or persons in particular, or to any such county of a city or county of a town in general, or to or for the use, advantage, benefit, employment, profit, or preferment of any such person or persons, place or places, in order to be elected or for being elected to serve in parliament for such county of a city or county of a town; and that every person and persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be and is and are hereby declared to be disabled and incapacitated to serve in parliament upon such election for such county of a city or county of a town.

Persons having freeholds under 20*l.* value to vote though not residing thereon.

80. AND whereas it is expedient, that persons having freeholds under the yearly value of twenty pounds, and subject only to quit or crown rent, or arising from fee-farm grants, or under a lease or leases for ever, or for lives renewable for ever, should have the power of voting at elections for members of parliament, although they should not reside thereon, or occupy such freeholds by tilling or grazing to the amount of forty shillings yearly value thereof; be it enacted, That it shall and may be lawful for persons having freeholds under twenty pounds yearly value, not consisting of a rent-charge, and liable only to crown or quit rent, to register the same in like manner as is provided by this act for persons having freeholds of the yearly value of twenty pounds; and that such person so registering his freehold shall insert in the oath of registry, the words ' forty shillings,' instead of the words ' twenty pounds,' or ' fifty pounds,' and shall add the following words: ' and that the said freehold does not consist of a rent-charge, and that it is liable to no rent except quit or crown rent, or that it arises from fee-farm grant, or that I hold it under a lease or leases for ever, or under a lease or leases for lives, renewable for ever (as the case may be);' and that every person who shall offer to vote by virtue of a freehold under the value of twenty pounds, and holding the same subject only to quit or crown rent, shall make the same affirmations, and take the same oaths, and answer the same questions, if required, as are now provided for persons having freeholds of the value of twenty pounds: provided always, that such persons shall in such oaths make the several alterations and additions as are herein set forth in the oath of registry for such persons.

Persons who ask or receive any reward for themselves or others, or who influence others for reward, &c. forfeit 500*l.*

81. AND be it further enacted, That if any person who shall have or claim to have any right to vote in any election of a member or members of parliament, for any county of a city or county of a town, shall directly or indirectly ask, receive, or take any money or other reward by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, to give his vote, or to abstain from giving his vote in any such election, or if any person, by

himself, his friends, or by any person employed by him, shall by any gift or reward, or by any promise or agreement or security for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such election, or to abstain from giving the same, such person shall for such offence forfeit the sum of five hundred pounds sterling, to the person who shall first sue for the same, to be recovered as hereinafter directed; and every person offending in any of the cases aforesaid, from and after judgment obtained against him in any action or information grounded on this act, shall for ever be disabled to vote in any election of any member or members to serve in parliament; and also shall be for ever disabled to hold, exercise, or enjoy any office or franchise to which he or they then shall or at any time afterwards may be entitled, as member of any city, borough, or town corporate, as if such person was naturally dead.

82. AND be it further enacted, That every person who shall poll a second time, or offer to poll a second time at the same election, for any county of a city or county of a town, or who shall personate any other person for the purpose of polling at such election, shall be guilty of a misdemeanor, and upon being thereof convicted shall be imprisoned for any term not more than two years, at the discretion of the judge or judges, who shall try such person.

Persons polling twice, or personating voters, may be punished by two years imprisonment.

83. AND be it further enacted, That if any person shall vote at any election, by virtue of a registry of an alleged freehold under a lease for a life or lives, made by a lessor who had not at the time of making the same a freehold estate therein, or under a lease for a life or lives, which lease is to end and determine on some such covenant or condition, that a freehold estate has not been demised by the same, or under a lease for a life or lives, or a certain number of years, which life or lives is or are dead, or under a lease for a life or lives, which lease has expired or been surrendered, after due notice not to vote by virtue of any such registry, shall have been given to such person by any candidate, or by an inspector of any candidate, and which notice every candidate and inspector is hereby authorized and empowered to give to such person at any time before or during such election, or in the place of polling, such person, on being convicted thereof, shall forfeit to any person who shall sue for the same, the sum of twenty pounds, to be recovered by him or them, with treble costs of suit, by proceeding in the nature of a civil bill at any general quarter sessions of the peace that may be held for the county of the city or county of the town in which such election shall have taken place, or by action of debt in any of his majesty's courts of record in Ireland.

Penalty on fraudulent voters, 204.

84. AND be it further enacted, That if any person shall poll at any election by virtue of a freehold which he had registered, and of which he shall not be in possession at the time of his polling, he shall (if thereof convicted) be imprisoned in the common gaol of the county for the space of six calendar months.

Persons voting from freehold of which he is not in possession, to be imprisoned six months.

Perjury.

85. AND be it further enacted, That if any person who shall take any oath or affirmation hereby appointed or authorized to be taken, shall wilfully swear or affirm falsely therein, he shall be guilty of wilful and corrupt perjury, or false affirming, and shall and may be prosecuted for the same as persons may be now prosecuted who are guilty of wilful and corrupt perjury, and being thereof convicted, he shall incur and suffer the pains and penalties which by law are or may be inflicted in cases of wilful and corrupt perjury, and shall be for ever incapable of giving a vote at any election of a member to serve in parliament; and if any person shall wilfully and corruptly proceed or suborn any other person or persons to take any such oath or affirmation, whereby such person or persons shall commit wilful perjury or false affirming, and shall be thereof convicted, such person so offending shall incur such pains and penalties as are inflicted by any act or acts for the more effectual preventing and punishing of subornation of perjury, and such person or persons shall for ever be incapable of giving any vote at any election of a member to serve in parliament.

Mode of recovering penalties.

86. AND be it further enacted, That all pecuniary penalties inflicted by this act shall be recovered with full costs by action of debt, bill, plaint or information, in any of his majesty's courts of record at Dublin, and that it shall be sufficient for the plaintiff in any such action of debt or information to set forth in the declaration that the defendant is indebted to him in the sum of five hundred pounds, and to allege the particular offence for which such action or information is brought, and that the defendant hath therein acted contrary to this act, without mentioning the writ of summons to parliament, or the return thereof; and that it shall be sufficient, in any indictment for any offence contrary to this act, to allege the particular offence, and that the defendant is guilty, without mentioning the writ of summons to parliament, or the return thereof; and that upon trial of any issue in any such action, information, or indictment, the plaintiff, informer, or prosecutor shall not be obliged to prove the writ of summons to parliament, or the return thereof, or any warrant to the sheriff grounded upon such writ of summons.

Treble costs if nonsuited.

Action to be commenced within one year.

General issue may be pleaded.

87. AND be it further enacted, That in case the plaintiff or informer, in any action or information given by this act, shall discontinue, or be nonsuited, a judgment shall be given against him, the defendant shall recover treble costs: provided always, that every action, information, indictment, or prosecution, grounded upon this act, be commenced within one year after the offence shall be committed; and provided also, that in any action or suit brought against any person or persons, for any thing done in pursuance of this act, or in relation to the matters therein contained, the defendant or defendants shall or may, at his or their election, plead specially or the general issue, and give this act and the special matter in evidence at any trial, and that the same was done in pursuance and under the authority of

this act; and in case the jury shall find a verdict for the defendant or defendants, or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her, or their action or suit, after the defendant or defendants shall have appeared, or upon any demurrer, judgment shall be given against the plaintiff or plaintiffs, then and in every such case the defendant or defendants shall recover double costs, and have such remedy for recovering the same as any defendants hath or have in other cases by law.

Double costs.

SCOTLAND.

5^o ANNE REGINÆ, CAP. 8. S. 12.

Act settling the Manner of electing the Sixteen Peers and Forty-five Members, to represent Scotland in the Parliament of Great Britain.

A. D. 1706.

OUR sovereign lady considering, that by the twenty-second article of the treaty of union, as the same is ratified by an act passed in this session of parliament, upon the sixteenth of January last, it is provided, That by virtue of the said treaty of the peers of Scotland, at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland, in the house of commons of the parliament of Great Britain, and that the said sixteen peers and forty-five members in the house of commons, be named and chosen in such manner, as by a subsequent act in this present session of parliament in Scotland shall be settled; which act is thereby declared to be as valid as if it were a part of, and ingrossed in, the said treaty: therefore, her majesty, with advice and consent of the estates of parliament, statutes, enacts and ordains, That the said sixteen peers, who shall have right to sit in the house of peers, in the parliament of Great Britain, on the part of Scotland, by virtue of this treaty, shall be named by the said peers of Scotland, whom they represent, their heirs or successors to their dignities and honours, out of their own number, and that by open election, and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate in writing, duly signed before witnesses, and both the constituent and proxy being qualified according to law; declaring also, That such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the peers whom they judge fittest, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list; and, in case of the death, or legal

Act settling the manner of electing the representatives of Scotland.
Tenor of the act.

How the sixteen peers shall be elected.

And also the
forty-five re-
presentatives.

incapacity of any of the said sixteen peers, that the aforesaid peers of Scotland shall nominate another of their own number in place of the said peer or peers, in manner before and after mentioned; and, that of the said forty-five representatives of Scotland in the house of commons, in the parliament of Great Britain, thirty shall be chosen by the shires or stewartries, and fifteen by the royal boroughs, as follows, viz. one for every shire and stewartry, excepting the shires of Bute and Caithness, which shall choose one by turns, Bute having the first election; the shires of Nairn and Cromarty, which shall also choose by turns, Nairn having the first election; and in like manner the shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first election. And in case of the death, or legal incapacity of any of the said members, from the respective shires or stewartries above-mentioned, to sit in the house of commons, it is enacted and ordained, That the shire or stewartry who elected the said member shall elect another member in his place; and that the said fifteen representatives for the royal boroughs be chosen as follows, viz. That the town of Edinburgh shall have right to elect and send one member to the parliament of Great Britain; and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the parliament of Scotland; which commissioners and burghs, (Edinburgh excepted) being divided in fourteen classes or districts, shall meet at such time and burghs, within their respective districts, as her majesty, her heirs or successors, shall appoint, and elect one for each district, viz. the burghs of Kirkwall, Wick, Dornock, Dingwall, and Tayne, one; the burghs of Fortrose, Inverness, Nairne, and Forress, one; the burghs of Elgin, Cullen, Bamff, Inverury, and Kintore, one; the burghs of Aberdeen, Inverbervy, Montrose, Aberbrothock, and Brochinchine, one; the burghs of Forfar, Perth, Dundee, Coupar, and St. Andrew's, one; the burghs of Crail, Kilrennie, Anstruther Easter, Anstruther Wester, and Pittenweem, one; the burghs of Dysart, Kirkcaldie, Kinghorn, and Bruntisland, one; the burghs of Innerkithen, Dumfriesline, Queensferry, Culross, and Stirling, one; the burghs of Glasgow, Renfrew, Ruglen, and Dumbarton, one; the burghs of Haddington, Dunbar, North Berwick, Lawder, and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow, and Lanerk, one; the burghs of Dumfries, Sanquhar, Annan, Lockmaben, and Kirkudbright, one; the burghs of Wigtoun, New-galloway, Stranraer, and Whitehern, one; and the burghs of Air, Irvine, Rothesay, Campbeltoun, and Inverary, one. And it is hereby declared and ordained, That where the votes of the commissioners for the said burghs met to choose representatives from the several districts to the parliament of Great Britain, shall be equal, in that case the president of the meeting shall have a casting or decisive vote, and that by and according to his vote as a commissioner from the burgh from which he is sent; the commissioner from the eldest burgh

presiding in the first meeting, and the commissioners from the other burghs, in their respective districts, presiding afterwards, by turns, in the order as the said burghs are now called in rolls of the parliament of Scotland; and in case that any of the said fifteen commissioners from the burghs shall decease, or become legally incapable to sit in the house of commons, then the town of Edinburgh, or the district which choosed the said member, shall elect a member in his or their place. It is always hereby expressly provided and declared, That none shall be capable to elect, or be elected, for any of the said estates, but such as are twenty-one years of age complete, and protestant, excluding all papists, or such, who being suspect of popery, and required, refuse to swear and subscribe the formula, contained in the third act made in the eighth and ninth sessions of king William's parliament, intituled, 'An act for preventing the growth of popery:' and also declaring, That none shall be capable to elect, or be elected, to represent a shire or burgh in the parliament of Great Britain, for this part of the united kingdom, except such as are now capable, by the laws of this kingdom, to elect, or be elected, as commissioners for shires or burghs to the parliament of Scotland. And further, her majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve, in the respective houses of the parliament of Great Britain, when her majesty, her heirs, and successors, shall declare her or their pleasure for holding the first, or any subsequent parliament of Great Britain, and when, for that effect, a writ shall be issued out under the great seal of the united kingdom, directed to the privy council of Scotland, conform to the said twenty-second article, statutes, enacts, and ordains, That until the parliament of Great Britain shall make further provision therein, the said writ shall contain a warrant and command to the said privy council to issue out the proclamation in her majesty's name, requiring the peers of Scotland for the time, to meet and assemble at such time and place, within Scotland, as her majesty and royal successors shall think fit, to make election of the said sixteen peers, and requiring the lord clerk register, or two of the clerks of session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes, and having made up the lists in presence of the meeting, to return the names of the sixteen peers chosen (certified under the subscription of the said lord clerk register, clerk, or clerks of session attending) to the clerk of the privy council of Scotland; and in like manner requiring and ordaining the several freeholders in the respective shires and stewartries, to meet and convene at the head burghs of their several shires and stewartries, to elect their commissioners conform to the order above set down; and ordaining the clerks of the said meetings immediately after the said elections are over, respectively, to return the names of the persons

16 Geo. 2. c. 11.

elected to the clerks of the privy council; and lastly ordaining the city of Edinburgh to elect their commissioner, and the other royal boroughs to elect, each of them a commissioner, as they have been in use to elect commissioners to the parliament, and to send the said respective commissioners, at such times, to such burghs, within their respective districts, as her majesty and successors, by such proclamation, shall appoint, requiring and ordaining the common clerk of the respective burghs where such election shall be appointed to be made, to attend the said meetings, and immediately after the election, to return the name of the person so elected, (certified under his hand,) to the clerk of privy council, to the end that the names of the sixteen peers, thirty commissioners for shires, and fifteen commissioners for burghs, being so returned to the privy council, may be returned to the court from whence the writ did issue under the great seal of the united kingdom, conform to the said twenty-second article: And whereas, by the said twenty-second article it is agreed, That if her majesty shall, on or before the first day of May next, declare that it is expedient the lords and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great Britain, for and on the part of England, they shall accordingly be the members of the said respective houses, for and on the part of England; her majesty, with advice and consent aforesaid, in that case only, doth hereby statute and ordain, that the sixteen peers and forty-five commissioners for shires and burghs, who shall be chosen by the peers, barons, and burghs, respectively, in this present session of parliament, and out of the members thereof, in the same manner as committees of parliament are usually now chosen, shall be the members of the respective houses of the said first parliament of Great Britain, for and on the part of Scotland, which nomination and election being certified by a writ under the lord clerk register's hand, the person so nominated and elected, shall have right to sit and vote in the house of lords, and in the house of commons, of the said first parliament of Great Britain.

ANNO 6^o ANNÆ REGINÆ, CAP. 6.

An Act for rendering the Union of the Two Kingdoms more entire and complete. A. D. 1707.

5. AND for the more uniform and express method of electing and returning members of parliament, be it likewise further enacted, by the authority aforesaid, That when any parliament shall, at any time hereafter, be summoned or called, the forty-five representatives of Scotland in the house of commons of the parliament of Great Britain, shall be elected and chosen by authority of the queen's writs under the great seal of Great Britain, directed to the several sheriffs and stewarts of the respective shires and stewartries;

In what manner the forty-five representatives of Scotland shall be elected.

and the said several sheriffs and stewarts shall, on receipt of such receipts, forthwith give notice of the time of election for the knights or commissioners for their respective shires or stewartries, and at such time of election the several freeholders in the respective shires and stewartries shall meet and convene at the head burghs of their several shires and stewartries, and proceed to the election of their respective commissioners or knights for the shire or stewartry; and the clerks of the said meetings, immediately after the said elections are over, shall respectively return the names of the persons elected, to the sheriff or stewart of the shire or stewartry, who shall annex it to his writ, and return it with the same into the court out of which the writ issued: and as to the manner of election of the fifteen representatives of the royal boroughs, the sheriff of the shire of Edinburgh shall, on the receipt of the writ directed to him, forthwith direct his precept to the lord provost of Edinburgh, to cause a Burgess to be elected for that city; and on receipt of such precept, the city of Edinburgh shall elect their member, and their common clerk shall certify his name to the sheriff of Edinburgh, who shall annex it to his writ, and return it with the same into the court from whence the writ issued; and as to the other royal burghs, divided into fourteen classes or districts, the sheriffs or stewarts of the several shires and stewartries, shall, on the receipt of their several writs, forthwith direct their several precepts to every royal borough within their respective shires or stewartries, reciting therein the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a commissioner, as they used formerly to elect commissioners to the parliament of Scotland, and to order the said respective commissioners, to meet at the presiding borough of their respective district (naming the said presiding borough,) upon the thirtieth day after the day of the test of the writ, unless it be upon the Lord's day, commonly called Sunday, and then the next day after, and then to choose their Burgess for the parliament; and the common clerk of the then presiding borough shall, immediately after the election, return the name of the person so elected, to the sheriff or stewart of the shire or stewartry wherein such presiding borough is, who shall annex it to his writ, and return it with the same into the court from whence the writ issued: and in case a vacancy shall happen in time of parliament, by the decease or legal incapacity of any member, a new member shall be elected in his room, conformable to the method herein before appointed; and in case such vacancy be of a representative for any one of the said fourteen classes or districts of the said royal boroughs, that borough which presided at the election of the deceased or disabled member, shall be the presiding borough at such new election.

6. PROVIDED always, That upon the issuing of writs of summons for the electing of a parliament, if any shire or stewartry wherein a royal borough is, hath not then a turn, or right to elect a commissioner, or knight of the shire or stewartry for that parliament, that then it shall be

How vacancies, happening in time of parliament, shall be supplied.

Shire, or stewartry, &c. not having a turn to elect, to be omitted out of the writ, &c. See 6 Ann. c. 6. & 1 G. 1. st. 2. c. 54. 15.

omitted out of the writ directed to such sheriff or steward, to cause a knight, or commissioner for that shire or stewartry to be elected for that parliament.

ANNO 6^o ANNÆ REGINÆ, CAP. 23.

An Act to make further Provision for electing and summoning Sixteen Peers of Scotland, to sit in the House of Peers in the Parliament of Great Britain, and for trying Peers for Offences committed in Scotland; and for the further regulating of Voters in Election of Members to serve in Parliament.

A. D. 1707.

5 ANNÆ, c. 8. 'WHEREAS, by the two and twentieth article of the treaty of union, for uniting the two kingdoms of England and Scotland, ratified and confirmed by the respective parliaments of each kingdom, it was amongst other things provided, That when her majesty, her heirs or successors, should declare their pleasure for holding the first, or any subsequent parliament of Great Britain, until the parliament of Great Britain should make further provision therein, writs should issue under the great seal of the united kingdom of Great Britain, directed to the privy council of Scotland, commanding them to cause sixteen peers, who were to sit in the house of lords, to be summoned to parliament, in such manner as by an act of the then present session of parliament of Scotland was or should be settled; in which session of the parliament in Scotland an act was accordingly passed for that purpose, intituled, 'An act settling the manner of electing the sixteen peers, and forty-five members to represent Scotland in the parliament of Great Britain,' which act was afterwards confirmed by the parliament of England, and declared to be as valid as if the same had been part of, and ingrossed in, the said articles of union; by which act it is, amongst other things provided and enacted, That the sixteen peers who should have a right to sit in the house of peers in the parliament of Great Britain, on the part of Scotland, by virtue of the said treaty, should be named by the said peers of Scotland, whom they represent, their heirs or successors, to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as should be absent, the said proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law; and that such peers as were absent being qualified as aforesaid, might send to all such meetings a list of the peers whom they judged fittest, validly signed by the said absent peers, which should be reckoned in the same manner as if the parties had been present and given in the said list; and in case of the death or legal incapacity of any of the said sixteen peers, that the aforesaid peers of Scotland should nominate another of their own number in place of the said peer or peers, in manner as therein is mentioned; and it was thereby further enacted,

That until the parliament of Great Britain should make further provision therein, the said writs so to be issued should contain a warrant and command, to command the said privy council to issue out a proclamation in her majesty's name, requiring the peers of Scotland for the time, to meet and assemble at such time and place within Scotland, as her majesty and her royal successors should think fit, to make election of the said sixteen peers, and requiring the lord clerk register, or two of the clerks of session, to attend all such meetings, and to administer the oaths as were, or should be, by law required, and to ask the votes, and having made up the list in presence of the meeting, to return the names of the sixteen peers chosen, certified under the subscription of the said lord clerk register, clerk, or clerks of session, attending, to the clerk of the privy council of Scotland, to the end that the names of the sixteen peers being so returned to the privy council might be returned to the court from whence the writ did issue, under the great seal of the united kingdom, conform to the said twenty-second article; and whereas by an act of this present session, intituled, 'An act for rendering the union of the two kingdoms more entire and complete,' it is declared and enacted, That from and after the first day of May, one thousand seven hundred and eight, the privy council of Scotland shall cease and determine, whereby it is become necessary that some further provision should be made for the electing and returning the said sixteen peers, that are to sit in the house of peers in the parliament of Great Britain, pursuant to the said treaty: be it therefore enacted, &c. That at all times hereafter, when her majesty, her heirs, and successors, shall declare her or their pleasure for summoning and holding any parliament of Great Britain, in order to the electing and summoning the sixteen peers of Scotland, a proclamation shall be issued under the great seal of Great Britain, commanding all the peers of Scotland to assemble and meet at Edinburgh, or in such other place in Scotland, and at such time as shall be appointed in the said proclamation, to elect, by open election, the sixteen peers to sit and vote in the house of peers in the parliament of Great Britain, in such manner as by the before-recited act and herein-after is appointed.

Proclamation to be issued for electing 16 peers of Scotland to sit in the parliament of Great Britain,

2. AND be it further enacted, by the authority aforesaid, That every proclamation issued, for the purpose aforesaid, shall be duly published at the market cross at Edinburgh, and in all the county towns of Scotland, five and twenty days at the least before the time thereby appointed for the meeting of the peers to proceed to such election.

and published at Edinburgh, &c. 25 days before election.

3. AND be it further enacted, by the authority aforesaid, That all the peers who meet on such proclamation, shall, before they proceed to the election, and in the presence of the peers assembled for such election, take the respective oaths, *videlicet*:

All the peers present to take the oaths.

'I, A. B., do sincerely promise and swear, that I will be faithful, and bear true allegiance to her majesty queen Anne.

Oaths.

'So help me God.'

'I, A. B. do swear, that I do from my heart abhor, de-

test, and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the pope, or any authority of the see of Rome, may be deposed or murdered by their subjects or any other whatsoever: and I do declare, that no foreign prince, person, prelate, state, or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual within this realm.

‘So help me God.’

And subscribe
the declara-
tion.

And shall also make, repeat, and subscribe the declaration following, *videlicet*.

‘I, A. B., do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe, that in the sacrament of the Lord’s supper, there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ, at or after the consecration thereof by any person whatsoever, and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other authority or person, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am, or can be, acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null and void from the beginning.’

And also take
the following
oath.

And also take and subscribe the oath following, *videlicet*:

‘I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, in my conscience before God and the world, that our sovereign lady queen Anne is lawful and rightful queen of this realm, and of all other her majesty’s dominions and countries thereunto belonging: and I do solemnly and sincerely declare, that I do believe in my conscience, the person pretended to be prince of Wales during the life of the late king James, and, since his decease, pretending to be, and taking upon himself the stile and title of king of England, by the name of James the third, or of Scotland by the name of James the eighth, or the stile and title of king of Great Britain, hath not any right or title whatsoever to the crown of this realm, or any other the dominions thereunto belonging, and I do renounce, refuse, and abjure any allegiance or obedience to him: and I do swear, that I will bear faith and true allegiance to her majesty queen Anne, and her will defend, to the utmost of my power, against all traitorous conspi-

racies and attempts whatsoever, which shall be made against her person, crown, or dignity : and I will do my utmost endeavour to disclose and make known to her majesty and her successors, all treasons, traitorous conspiracies, which I shall know to be against her or any of them : and I do faithfully promise, to the utmost of my power, to support, maintain, and defend the succession of the crown against him the said James, and all other persons whatsoever, as the same is and stands settled by an act, intituled, 'An act, declaring the rights and liberties of the subject, and settling the succession of the crown to her present majesty, and the heirs of her body, being protestants ;' and as the same by one other act, intituled, 'An act for the further limitation of the crown, and better securing the right and liberties of the subject,' is and stands settled and entailed after the decease of her majesty, and for default of issue of her majesty, to the princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being protestants : and all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a Christian.

Altered by 1
Geo. 1. c. 13.
1 W. & M. s. 2.
c. 2. 12 & 13
W. 3. c. 2.

'So help me God.'

4. AND that such peers that live in Scotland, but shall not be present at such meeting so appointed, may take the said oaths, and make and subscribe the said declaration in any sheriff's court in Scotland ; and every sheriff, or his deputy, before whom such oaths and such declaration shall be so made, subscribed, and repeated, shall and is hereby required to return the original subscription of such oath and declaration, signed by the peer who took the same, and make a return in writing under his hand and seal, to the peers so assembled, of such peers taking the said oaths, and making and subscribing the said oath and declaration, and such peer shall be thereby enabled and qualified to make a proxy, or to send a signed list, containing the names of sixteen peers of Scotland, for whom he giveth his vote, and such of the peers of Scotland as at the time of issuing such proclamation reside in England, may take and subscribe the said oaths, and make, repeat, and subscribe the said declaration, in her majesty's high court of chancery in England, her majesty's court of queen's bench, common pleas, or court of exchequer in England, which being certified by writ, to the peers in Scotland at their meeting, under the seal of the court where such oath and declaration shall be made, repeated, and subscribed, shall be sufficient to entitle such peer to make his proxy and to send a signed list as aforesaid ; and in case any of the said peers of Scotland, who, at any time before the issuing of such proclamation, have taken the said oaths and made and subscribed the said declaration in England or

How peers
living in Scot-
land, or resid-
ing in Eng-
land, not pre-
sent at elec-
tion, may take
the oaths, &c.

and be there-
by qualified to
make a proxy,
&c.

Scotland, to be certified as aforesaid, and if taken in parliament, to be certified under the great seal of Great Britain, shall, at the time of issuing such proclamation, be absent in the service of her majesty, her heirs, or successors, such peer may make his proxy, or send a signed list.

How proxies shall be signed.

5. Provided always, and be it enacted by the authority aforesaid, That such peers of Scotland, as are also peers of England, shall sign their proxies and lists by the title of their peerage in Scotland:

No peer to have more than two proxies.

6. AND be it further enacted, by the authority aforesaid, That no peer shall be capable of having more than two proxies at one time

After election, lord clerk register to certify the names of the sixteen peers elected.

7. AND be it further enacted, by the authority aforesaid, That at such meeting of the peers, they shall all give in the names of the persons by them nominated to sit and vote in the house of peers in the parliament of Great Britain, and the lord clerk register, or two of the principal clerks of the session appointed by him to officiate in his name, shall, after the election is made and duly examined, certify the names of the sixteen peers so elected, and sign and attest the same in the presence of the peers, which certificate, so signed and attested, shall, by the lord clerk register, or two of the principal clerks of the session, be returned into her majesty's high court of chancery of Great Britain, before the time appointed for the meeting of the parliament.

How peers shall come attended to elections;

8. AND be it further enacted, by the authority aforesaid, That the peers shall come to such meetings with their ordinary attendants only, according to, and under the several penalties inflicted by, the several laws and statutes now in force in Scotland, which prescribe and direct with what number and attendants the subjects there may repair to the public courts of justice.

and not debate or treat of any matter, &c. except only the election.

9. AND be it further enacted, by the authority aforesaid, That it shall not be lawful for the peers so assembled and met together, for the electing sixteen peers to sit and vote in the house of peers in the parliament of Great Britain, to act, propose, debate, or treat of any other matter or thing whatsoever, except only the election of the said sixteen peers, and that every peer who shall, at such meeting, presume to propose, debate, or treat of any other matter or thing, contrary to the direction of this act, shall incur the penalty of *premunire*, expressed in the statute of the sixteenth year of king Richard the Second.

Confirmation of the act of parliament of Scotland.

10. AND be it further declared, by the authority aforesaid, That all and every matter and things for, or concerning the election of sixteen peers of Scotland, to sit and vote in the house of peers in the parliament of Great Britain, directed and appointed to be observed and done by the articles of union, and the said recited act of parliament in Scotland, intituled, 'An act settling the manner of electing the sixteen peers and forty-five members to represent Scotland in the parliament of Great Britain,' which act, by an act of parliament in England, in the fifth year of her majesty's reign, intituled, 'An act for the union of the two kingdoms of England and Scotland,' was declared to be as

valid as if the same had been part of, and ingrossed in, the articles of union thereby ratified and improved, shall be observed and performed, except only wherein this act has further declared and provided. Exception.

11. AND be it further enacted, by the authority aforesaid, That in case any of the sixteen peers so chosen shall die, or become otherwise legally disabled to sit in the house of peers of the parliament of Great Britain, that her majesty, her heirs, and successors, shall forthwith, after such death or disability, issue a proclamation under the great seal of Great Britain, for electing another peer of Scotland, to sit in the house of peers of the parliament of Great Britain, in the room of such peer deceased, or otherwise legally disabled; which proclamation shall be published at such time and places as is herein enacted, touching proclamation issued upon summoning a parliament of Great Britain; and the peers of Scotland being qualified as hereby directed, shall proceed to elect a peer of Scotland, to sit in the house of peers of the parliament of Great Britain, in the room of such peer deceased, or otherwise legally disabled, in such manner, and under such restrictions and regulations, as are by this act directed to be observed, upon the electing sixteen peers of Scotland, to sit in the house of peers of the parliament of Great Britain.

In case of death, or disability of peer elected, proclamation to issue for electing another.

12. AND be it further enacted, by the authority aforesaid, That for the more effectual trial of any peer of Great Britain that hath committed, or shall commit, any high treason, petit treason, misprision of treason, murder, or other felonies, in Scotland, commission or commissions may issue under the great seal of Great Britain, to be directed to such person and persons as shall be therein named, constituting them, and such a number of them as shall be therein mentioned, justices of the queen, her heirs, and successors, to inquire, by the oaths of good and lawful men of such county and counties of Scotland as shall be named therein, of all treasons, misprisions of treason, murders, and other felonies, committed in such county by a peer or peers of Great Britain, which inquisition shall be taken and made in the same manner as the indictments found and taken before justices of oyer and terminer of any county of England, and shall be of the same effect, and proceeded upon in the same method, as any inquisition found before justices of oyer and terminer in England, whereby any peer is indicted for any such offence, and such justices shall issue mandates or precepts to the sheriffs of the respective counties of Scotland, to return to them, at such day and place as they shall appoint, such and so many good and lawful men of the same county, as may be sufficient to inquire of the offences aforesaid, and twelve or more of them so returned being sworn, shall be sufficient to make such inquiry, and find any indictment; and if the sheriff of such county shall not summon a sufficient number of men to make such inquisition, the justices that do proceed upon such commission, may impose a fine upon such sheriff, which shall be levied by process out of the exchequer: and if any of the persons

How peers shall be tried for treason, murder, &c. committed in Scotland.

summoned by the sheriff to inquire as aforesaid, shall not appear, the justices may, in like manner, impose a fine upon such person so making default, to be levied in manner aforesaid.

Persons refusing to take oath, or quaker to make affirmation, &c. incapable of voting for election of member, &c.
7 and 8 W. 3. c. 31.

13. AND be it further enacted, by the authority aforesaid, That every person who shall refuse to take the oath last herein-before recited, or, being a quaker, shall refuse to declare the effect thereof, upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty, king William, intituled, 'An act that the solemn affirmation and declaration of the people called quakers, shall be accepted instead of an oath in usual form,' (which oath or declaration the sheriff, president of the meeting, or chief officer taking the poll at any election of members to serve in the house of commons, for any place in Great Britain, or commissioners for choosing burgesses for any place in Scotland, at the request of any candidate, or other person, present at such election, are hereby empowered and required to administer,) shall not be capable of giving any vote for the election of any such member to serve in the house of commons, for any place in Great Britain, or commissioner to choose a burgess for any place in Scotland.

Quakers declaring on their affirmation, not liable to penalties, by 6 Ann. c. 14.

7 and 8 W. 3. c. 34.

See 1 Geo. 1. st. 2. c. 6.

6 Ann. c. 14.

14. PROVIDED always, and be it enacted by the authority aforesaid, That if any person, being a quaker, shall refuse to take the said oath, being tendered to him in pursuance of an act made in this present session of parliament, intituled, 'An act for the better security of her majesty's person and government,' but shall, instead thereof, declare the effect of the said oath, upon his solemn affirmation, as directed by an act of parliament made in the seventh year of the reign of his late majesty, king William the Third, intituled, 'An act that the solemn affirmation and declaration of the people, called quakers, shall be accepted, instead of an oath in usual form,' which affirmation shall be administered to such quaker, instead of the said oath, such quaker shall not be liable to any of the penalties or forfeitures for refusing the said oath when tendered to him, contained or mentioned in the said act, intituled, 'An act for the better security of her majesty's person and government.'

ANNO 12^o ANNÆ REGINÆ, CAP. 6.

An act for the better regulating the Elections of Members to serve in Parliament, for that part of Great Britain called Scotland.
A. D. 1713.

After the end of the parliament, no conveyance whereon infraction is not taken and seized registered, a year before the tests of

'WHEREAS of late several conveyances of estates have been made in trust, or redeemable for elusory sums, no ways adequate to the true value of the lands, on purpose to create and multiply votes in elections of members to serve in parliament for that part of Great Britain called Scotland, contrary to the true intent and meaning of the laws in that behalf:' be it therefore enacted, &c, That from and

after the determination of this present parliament, no conveyance or right whatsoever, whereupon infeoffment is not taken, and seisin registered, one year before the test of the writs for calling a new parliament, shall, upon objection made in that behalf, entitle the person or persons so infeofft, to vote, or to be elected at that election, in any shire or stewartry, in that part of Great Britain called Scotland; and in case any election happen during the continuance of a parliament, no conveyance or right whatsoever, whereupon infeoffment is not taken one year before the date of the warrant for making out a new writ for such election, shall, upon objection made in that behalf, entitle the person or persons so infeofft, to vote or be elected at that election; and that from and after the said day, it shall and may be lawful to or for any of the electors present, suspecting any person or persons to have his or their estates in trust, and for the behoof of another, to require the preses of the meeting to tender the following oath to any elector; and the said preses is hereby impowered and required to administer the same in the words following, *videlicet* :

‘I, A. B. do, in the presence of God, declare and swear, that the lands and estate of _____, for which I claim to give my vote in this election, are not conveyed to me in trust, or for the behoof of any other person whatsoever; and I do swear before God, that neither I, nor any person to my knowledge, in my name, or by my allowance, hath given, or intends to give any promise, obligation, bond, back-bond, or other security, for re-disponing or re-conveying the said lands and estate, any manner of way whatsoever; and this is the truth as I shall answer to God.’

And in case such elector refuse to swear, and also to subscribe the said oath, such person or persons shall not be capable of voting, or being elected at such election.

2. Provided always, That notwithstanding such oath taken, it shall be lawful to make such other objections as are allowed by the laws of Scotland against such electors.

3 And be it further enacted and declared, by the authority aforesaid, That no infeoffment taken upon any redeemable right whatsoever, (except proper wadsetts, adjudications, or apprisings allowed by the act of parliament, relating to elections in 1681,) shall entitle the person so infeofft to vote, or be elected, at any election in any shire or stewartry; and that no person or persons, who have not been inrolled and voted at former elections, shall, upon any pretence whatsoever, be inrolled or admitted to vote at any election, except he or they first produce a sufficient right or title to qualify him or them to vote at that election, to the satisfaction of the freeholders formerly inrolled, or the majority of them present; and the returning officers are hereby ordained to make their returns of the persons elected by the majority of the freeholders inrolled, and those admitted by them, reserving always the liberty of objecting against the persons admitted to, or excluded from the roll, as formerly.

the writ, shall entitle to vote, or be elected, in Scotland; nor if any election happen during the continuance of a parliament.

Any elector may require the preses to tender an oath to one whom he suspects to have an estate in trust.

The oath.

Refusing, shall not vote.

Other objections, as allowable by law.

No infeoffment on any redeemable right (except proper wadsetts, &c.) shall entitle to vote, or be elected. And persons not inrolled at former elections, shall not vote without producing a right.

This clause is repealed by 16 Geo. 2. cap. 11.

Sheriffs, &c. shall, on penalty of 50l. make public intimations three days before the day of election.

4. And be it further enacted, by the authority aforesaid, That all sheriffs of shires, and stewarts of stewartries, shall be obliged, under the pain of fifty pounds sterling, one moiety whereof shall be to the queen's most excellent majesty, her heirs, and successors, and the other moiety to the person or persons who shall sue for the same, to be recovered before the court of session, by any action summarily, without abiding the course of the roll, to make the public intimations, required by the laws of Scotland, at the several parish churches within their respective jurisdictions, at least three days before the diet of elections.

Saving the rights of heirs and husbands.

5. Provided always, That the right of apparent heirs in voting at elections by virtue of their predecessors' infeoffments, and the right of husbands by virtue of their wives' infeoffments; be and is hereby reserved to them, as formerly; any thing in this act contained to the contrary notwithstanding.

Any right whereon infeoffments taken, before 1st June, 1713, shall entitle to vote for members of parliament.

6. Provided also, That any conveyance of right, which, by the laws of Scotland, is sufficient to qualify any person to vote in the elections of members to serve in parliament for shires or stewartries, and whereupon infeoffment is taken, on or before the first day of June, in the year of our Lord, one thousand seven hundred and thirteen, shall entitle the person or persons so infeofft, to vote at the elections of members to serve in the next ensuing parliament; any thing herein contained to the contrary notwithstanding.

Husbands not to vote by virtue of their wives' infeoffments, unless they are heiresses, &c.

7. Provided always, and it is hereby declared to be the true intent and meaning of this act, That no husbands shall vote at any ensuing election by virtue of their wives' infeoffments, who are not heiresses, or have not right to the property of the lands on account whereof such vote shall be claimed.

ANNO 1^o GEORGII I. CAP. 13.

An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors.
A. D. 1714.

6 Ann, c. 23.

4. AND whereas certain doubts and scruples have arisen concerning the sense and meaning of the clause following, contained in an act made in the sixth year of her late majesty queen Anne, intituled, 'An act to make further provision for electing and summoning sixteen peers of Scotland, to sit in the house of peers in the parliament of Great Britain; and for trying peers for offences committed in Scotland; and for the further regulating of voters, in elections of members to serve in parliament: whereby it is enacted, That every person who shall refuse to take the oath last therein-before recited, or being a quaker, shall refuse to declare the effect thereof upon his solemn affirmation, as directed by an act of parliament made in the seventh

7 and 8 W. 3. c. 34.

year of the reign of his late majesty king William, intituled, 'An act that the solemn affirmation and declaration of the people, called quakers, shall be accepted, instead of an oath, in the usual form, (which oath or declaration, the sheriff, president of the meeting, or chief officer taking the poll at any election of members to serve in the house of commons for any place in Great Britain, or commissioners for choosing burgesses for any place in Scotland, at the request of any candidate or other person present at such election, are hereby empowered and required to administer,) shall not be capable of giving any vote for the election of any such member to serve in the house of commons, for any place in Great Britain, or commissioners to choose a burgess for any place in Scotland; on account of which words, some have pretended to vote in the meetings of free elections in Scotland, at the choosing of the president and clerk of the meeting, without taking the oath mentioned in the last-recited act, whereby it has happened that rolls of electors have been unduly made up, and wrong returns made: And also whereas divers of his majesty's good subjects, who have given convincing marks of their loyalty to his person and government, have scrupled to take the said oath, apprehending that the reference in the said oath may be construed, in some respects, to be inconsistent with the establishment of the church in Scotland, according to law, and to a clause concerning oaths to be imposed in Scotland after the union, contained in an act made in the parliament of Scotland, in the year one thousand seven hundred and seven, intituled, 'An act for securing the protestant religion, and presbyterian church government;' which act is declared to be a fundamental and essential condition of the treaty of union. To the end, therefore, that the said scruples, and all mistakes and divisions on account of the same may cease, be it further enacted and declared, by the authority aforesaid, That every person who shall refuse to take the aforesaid oath of abjuration, or being a quaker, shall refuse to declare the effect thereof upon his solemn affirmation, in manner aforesaid, (which oath and declaration the member last elected for any county or stewartry in Scotland, or in his absence the sheriff, or steward's clerk, until a person be chosen to proceed (a) in the said meeting, according to the directions contained in the twenty-first act of the third parliament of king Charles the Second, held in Scotland, intituled, 'Act concerning the election of commissioners for shires, and after such choice the person so chosen to proceed, or any person chosen to proceed in any meeting of any county or stewartry there, in which rolls for elections shall happen to be made up, is hereby authorized and required to administer, at the request of any candidate or other person present at such meeting for election, before or after the choosing of the president of the meeting, or making up of the rolls,) shall not be capable of giving any vote for the election of a president of the meeting, making up of the rolls, or of any member to serve in the house of commons, for any place in Scotland, or

Persons in Scotland refusing to take the abjuration, incapacitated to vote at elections.

(a) Examined with the record.

commissioner to choose a burgesse for any place there; and further, that by no words in the said oath or oaths, formerly imposed, contained, it is or was meant to oblige his majesty's said subjects to any act or acts any ways inconsistent with the establishment of the church of Scotland, according to law.

ANNO 7^o GEORGII II. CAP. 16.

An Act for the better regulating the Election of Members to serve in the House of Commons, for that Part of Great Britain called Scotland; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of Exchequer, in Scotland, to be elected, or to sit or vote as Members of the House of Commons.

WHEREAS doubts may arise, whether the acts of parliament made in England for preventing false and undue returns of members to serve in parliament extend to that part of Great Britain called Scotland: And whereas several questions have arisen concerning the election of commoners to serve in parliament for that part of Great Britain: therefore, to obviate such doubts, disputes, and questions for the future, and for the more effectually preventing returning officers, in that part of Great Britain called Scotland, making false and undue returns: may it please your majesty that it may be enacted, and be it enacted, &c. That if the clerk of any meeting of freeholders for the election of a commissioner to serve in parliament for any shire or stewartry in Scotland, after the first day of May, one thousand seven hundred and thirty-four, shall wilfully return to the sheriff or steward any person, other than him who shall be duly elected, or if any other person, pretending to be clerk, though not duly elected, shall presume to act as clerk, and wilfully to return to the sheriff any person as elected, who shall not be duly elected by the major part of such meeting, the party so offending shall, for every such offence, forfeit the sum of five hundred pounds sterling, to be recovered by the candidate so elected, to whose prejudice such false return is made, in such manner as is herein-after directed.

After 1 May, 1734, 500*l.* penalty on every false return.

Freeholders, on request, to take the following oath, instead of that appointed by 12 Annæ, c. 6.

See, 16 Geo. 2. c. 11.

2. And be it further enacted, That every freeholder who shall claim to vote at any election of a member to serve in parliament for any lands or estate in any county or stewartry in Scotland, or who shall have right to vote in adjusting the rolls of freeholders, instead of the oath appointed to be taken by an act made in the twelfth year of her late majesty queen Anne, intituled, 'An act for the better regulating elections of members to serve in parliament for that part of Great Britain called Scotland,' shall, upon the request of any freeholder formerly enrolled, before he proceed to vote in the choice of a member, or on adjusting the rolls, take and subscribe, upon a roll of parchment to be provided and kept by the sheriff, or steward-clerk for that

purpose, the oath following, which the preses, or clerk to the meeting, either for the enrolment or election, is hereby empowered and required to administer; that is to say,

'I, A. B. do, in the presence of God, declare and swear, That the lands and estate of _____, for which I claim a right to vote in the election of a member to serve in parliament for this county or stewartry, is *actually in my possession*, and do really and truly belong to me, and is my own proper estate, and is not conveyed to me in trust, or for or in behalf of any other person whatsoever; and that neither I, nor any person to my knowledge, in my name, or on my account, or by my allowance, hath given, or intends to give, any promise, obligation, bond, back-bond, or other security whatsoever, other than appears from the tenour and contents of the title, upon which I now claim a right to vote, directly or indirectly, for redispensing or reconveying the said lands and estate, in any manner of way whatsoever, or for making the rents or profits thereof forthcoming to the use or benefit of the person from whom I have acquired the said estate, or any other person whatsoever; and that my title to the said lands and estate is not nominal or fictitious, created or reserved in me, in order to enable me to vote for a member to serve in parliament; but that the same is a true and real estate in me, for my own use and benefit, and for the use of no other person whatsoever; and that is the truth, as I shall answer to God.'

3. AND that in case he shall refuse, if required, to take and subscribe the oath aforesaid, his vote shall not be admitted or allowed, and his name shall forthwith be erased out of the roll of freeholders; and in case any person shall presume wilfully and falsely to swear and subscribe the said oath, and shall be thereof lawfully convicted, he shall incur the pains and punishment of perjury, and be prosecuted for the same according to the laws and forms in use in Scotland.

In case of refusal, vote not to be admitted.

Penalty on false swearing.

4. AND be it further enacted, That no judge of the court of session, or justiciary, or baron of the court of exchequer in Scotland, shall be capable of being elected, or of sitting or voting as a member of the house of commons in any parliament which shall be hereafter summoned and holden.

Judges of session, justiciary, or exchequer, incapable to be elected.

5. AND be it further enacted by the authority aforesaid, That the several sheriffs and stewarts in Scotland, shall, *within the space of four days* after the writ shall come to their hand, issue their precepts to the several boroughs within their jurisdiction, to elect their delegates, and shall cause the same to be delivered to the chief magistrate of such borough resident in the borough for the time being; and that such *chief magistrate*, to whom such precept shall be delivered, shall, *within two days* after his receipt of the same, call and summon the council of the borough together, by giving notice personally, or leaving notice at the dwelling place of every counsellor then resident in such borough, which council shall then appoint a peremptory day for the election of the delegate; but two free days

Sheriffs, four days after receipt of the writs, to issue precepts for choosing delegates,

and chief magistrate, two days after, to summon the council of borough.

Council to appoint a day for

electing delegates.

100*l.* penalty on every counsellor or magistrate, separating from the majority at the annual election for boroughs.

Magistrates or counsellors of boroughs may bring their action in eight weeks after the election.

500*l.* penalty on neglecting to return the person duly elected,

to be recovered in a summary way.

Complaints of undue returns to be com-

shall intervene betwixt the meeting of the council which appoints the day of election of the delegate, and the day on which the election of the delegate is to be made.

6. AND to prevent double elections of magistrates in boroughs, which frequently occasion double commissions to delegates, be it enacted, by the authority aforesaid, That at the annual election of magistrates and counsellors for boroughs, no magistrate or counsellor, or any number of magistrates or counsellors, shall, for the future, upon any pretence whatever, take upon him or them to separate from the majority of the magistrates and counsellors, who have been such for the year preceding, and to appoint or elect separate magistrates or counsellors, but shall submit to the election made, and to the magistrates and counsellors elected and appointed by the majority of the town council assembled; and if, contrary to the direction of this act, any number of magistrates or counsellors shall, in opposition to the majority, take upon them to make a distinct and separate election of magistrates or counsellors, their act and election shall be *ipso facto* void, and every magistrate or counsellor, who concurred therein, shall forfeit and lose the sum of one hundred pounds sterling, to be recovered by the magistrates and counsellors, from whom they separated, in manner herein-after directed.

7. PROVIDED always, and it is hereby declared and enacted, That it shall and may be lawful to and for any magistrate or counsellor of the borough, who apprehends any wrong was done at any annual election, to bring his action before the court of session in Scotland, for rectifying such abuse, or for making void the whole election (if illegal), only within the space of eight weeks after such election is over; and the lords of session shall, and they are hereby expressly authorized and required to hear and determine the cause summarily, and to allow to the party that shall prevail their full costs of suit.

8. AND be it further enacted, That every sheriff or steward in Scotland who shall wilfully annex to the writ any false or undue return, and every common clerk of any presiding borough, who shall wilfully return to the sheriff or steward any person, other than the person elected, or who shall neglect or refuse to return the person duly elected, shall forfeit the sum of five hundred pounds sterling to the person entitled to have been returned, and not returned, to be recovered from the said sheriff, steward, or common clerk, their heirs, executors, or administrators respectively, in a summary way, by action, petition, or summary complaint, before the said court of session, upon service of such summons, or of a copy of such petition or summary complaint, on fifteen days notice or warning, without abiding the course of any rolls, or further delay whatsoever; which action, petition, or complaint, the judges of the said court are hereby required to judge of, and determine, with all convenient speed: Provided always, That such action, petition, or complaint be commenced, presented, or made within the space of six months after the

return is made. And in case the person duly elected, and not returned, shall neglect or omit to sue for the said penalty, within the time before-mentioned, then any freeholder within the shire or stewartry, or any magistrate or person bearing office in any of the boroughs of the district for which the return is unduly made, may sue for and recover the same to his own use, by such action, petition, or complaint, and in such manner as is before mentioned, with double costs of suit; provided always, that such freeholder, magistrate, or person bearing office, shall commence or bring such action within the space of twelve months after the return is made.

menced in six months after return.

Who may sue for such penalty.

and in what time.

9. AND be it enacted, by the authority aforesaid, That every penalty by this act imposed, with respect to the recovery of which no particular provision is herein-before made, shall and may be sued for and recovered by way of summary complaint before the court of session in Scotland, upon fifteen days notice to the person complained of, without abiding the course of any roll; which said complaint the court of session is hereby authorized and required to determine with all convenient speed.

Penalties how to be recovered.

10. AND be it further enacted, That every freeholder in Scotland shall, before he be either inrolled or admitted to vote at any future election, or meeting for inrollment, in any question for the choice of clerk or preses, or other question whatsoever, (if required by any freeholder present,) be obliged to take and subscribe the oaths appointed by law to be taken by electors of members to serve in parliament, when required so to do; which oath the preses, or clerk of the meeting, is hereby empowered and required to administer.

Freeholders, if required, to take the oaths at the election of a clerk, &c.

11. AND whereas there have been some mistakes in the districts of the boroughs of Wigtoun, Whithorn, New Galloway, and Stranraer, in relation to their presiding at elections of members of parliament for that district, which may occasion disputes at future elections; for remedying thereof, be it enacted, That the boroughs continue to preside in the course they are now in, and that the borough of Wigtoun shall preside at the election of a member to represent that district in the next parliament, and that the other boroughs of the district preside afterwards in the method prescribed by the act of parliament of Scotland, made in the fourth session of the first parliament of queen Anne, intituled, 'An act for settling the manner of electing the sixteen peers, and forty-five commoners, to represent Scotland in the parliament of Great Britain.'

Method of presiding at elections.

ANNO 16^o GEORGE II. CAP. 11.

An Act to explain and amend the Laws touching the Elections of Members to serve for the Commons in Parliament, for that Part of Great Britain called Scotland; and to restrain the Partiality, and regulate the Conduct, of Returning Officers at such Elections.

A. D. 1743.

WHEREAS many returning officers of members to serve for the commons in parliament for that part of Great Britain

called Scotland, have of late presumed to act in a most partial and arbitrary manner, sometimes upon false pretences, that the rolls of electors of commissioners for shires were not regularly made up, or that the commissioners for the several boroughs entitled to vote in the choice of a member for the respective districts of boroughs, were not duly elected, or were not authorized by proper commissions, and sometimes without any pretence at all, encouraged thereto from hopes of impunity, by reason that the laws in being have either provided no sufficient punishment for such offences; or, where penalties are provided, it has been found by experience to be extremely difficult and scarcely possible to recover them: for remedy thereof, be it enacted, &c.

Part of the act
12 Ann. st. 1.
c. 6. s. 3. re-
pealed.

That so much of an act of parliament, made in the twelfth year of the reign of her late majesty, queen Anne, intituled, 'An act for the better regulating the election of members to serve in parliament for that part of Great Britain called Scotland,' as enacts, That no person or persons who have not been enrolled, and voted at former elections, shall, upon any pretence whatsoever, be inrolled or admitted to vote at any election, except he or they first produce a sufficient right or title to qualify him or them to vote at that election, to the satisfaction of the freeholders formerly inrolled, or the majority of them present, and ordains the returning officers to make their returns of the persons elected, by the majority of the freeholders inrolled, and those admitted by them, reserving always the liberty of objecting against the persons admitted to, or excluded from, the roll as formerly, shall be and is hereby repealed.

Act made in
Scotland 1681,
strengthened.

2. AND whereas the rolls of electors of commissioners to serve in parliament for the several shires and stewartries within that part of Great Britain called Scotland, have not, in every one of the said shires and stewartries, been made up every year, at Michaelmas head courts, pursuant to the directions of an act of parliament, made in that part of Great Britain called Scotland, in the year one thousand six hundred and eighty-one, intituled, 'An act concerning the election of commissioners for shires:' for remedy thereof, and the more effectually to carry the good intentions of the said act into execution; be it enacted and declared, by the authority aforesaid, That such persons as stand upon the roll last made up by the freeholders, whether at the Michaelmas meeting, or at the last election of a member to serve in parliament, shall be the original constituent members at their next Michaelmas meeting, or meeting for election, to revise the said roll.

Freeholders
may object.

3. PROVIDED always, and be it enacted by the authority aforesaid, That it shall and may be lawful for any freeholder standing upon the roll, to object to the title of any person who stands at present upon the roll last made up, and for that purpose to apply at any time before the first day of December, which shall be in the year of our Lord one thousand seven hundred and forty-three, by summary complaint to the court of session, who shall grant a warrant for summoning such persons, upon thirty days notice, to answer,

and shall proceed in a summary way, to hear and determine upon such complaint; and if no such complaint shall be exhibited within the time aforesaid, then and in that case no freeholder, who at present stands upon the rolls last made up in the said counties and stewardries respectively, shall be struck off, or left out of the roll, except upon sufficient objections arising from the alteration of that right or title, in respect of which he was enrolled, sustained by the other freeholders standing upon the said roll.

4. AND be it enacted, by the authority aforesaid, That if, at any Michaelmas meeting, or meeting for election, any person claiming to be inrolled, shall, by judgment of the freeholders, be refused to be admitted, or if any person who stood upon the roll shall, by like judgment, be struck off, or left out of the roll, it shall and may be lawful for him or them who is so refused to be admitted, or whose name is so struck off or left out of the roll, to apply, (so as such application be made within four calendar months after their being so refused, struck off, or left out,) by summary complaint to the court of session, who shall grant a warrant for summoning the person or persons upon whose objection or objections he was refused to be admitted, or was struck off or left out as aforesaid, upon thirty days notice to answer, and shall proceed to hear and determine, in a summary way, on such complaint; and if any person shall be inrolled, whose title shall be thought liable to objection, it shall and may be lawful for any freeholder standing upon the said roll, (whether such freeholder was present at the meeting or not,) who apprehends that such person had not a right to be inrolled, to apply, in like manner, by complaint, to the court of session, so as such application be made within four calendar months after such inrolment; and the said court, after service of such complaint, on thirty days notice, upon the person said to be wrongfully admitted to the roll, shall, in manner aforesaid, hear and determine; and if no such complaint shall be exhibited within the time aforesaid, the freeholder inrolled shall stand and continue upon the roll, until an alteration of his circumstances be allowed, by the freeholders, at a subsequent Michaelmas meeting, or meeting for election, as a sufficient cause for striking or leaving him out of the roll.

Manner of acting, when a person claims to be inrolled.

If any freeholder objects, appeal may be made to the court of session.

5. AND be it enacted, by the authority aforesaid, That if, in any of the aforesaid cases, the judgment of the court of session shall alter or reverse the determination of the meeting of the freeholders, by directing that any person shall be added to, or expunged from, the roll of election, the sheriff or steward's clerk shall, upon presenting to him the extract of such judgment, forthwith make the alteration thereby directed in the books that are kept by him; and in case of his refusal or delay, he shall forfeit the sum of one hundred pounds sterling, to the person in whose favour the judgment of the court of session is given, to be recovered by him or his executors in the manner herein-after directed.

Penalty on officers not obeying the court of sessions.

Penalty on appellant, if the court of session affirm the freeholder's order.

6. AND be it further enacted, by the authority aforesaid, That if the judgment of the freeholders refusing to admit, or striking off any person from the said roll, shall be affirmed by the court of session, the person so complaining shall forfeit to the objector the sum of thirty pounds sterling, with full costs of suit.

Manner of acting to prevent surprize, on freeholder's claiming to be enrolled,

7. AND be it enacted, by the authority aforesaid, That to prevent all surprize, at the Michaelmas meetings, every freeholder who intends to claim to be enrolled at any subsequent Michaelmas meeting of the freeholders, shall, for the space of two calendar months at least before the said Michaelmas meeting, leave with the sheriff, or steward's clerk, a copy of his claim, setting forth the names of his lands, and his titles thereto, and dates thereof, with the old extent or valuation, upon which he desires to be enrolled, and in case of his neglect to leave his claim as aforesaid, he shall not be enrolled at such Michaelmas meeting; and in like manner, whoever intends to object to any freeholder who stands upon the roll, on account of the alteration of his circumstances, shall, at least two calendar months before the Michaelmas meeting, leave his objections in writing with the sheriff or steward's clerk as aforesaid, who is hereby required, upon receipt of the aforesaid claim of objections, to indorse on the back thereof the day he received the same, and also to give a copy of the aforesaid claim or objections to any person who shall demand the same, upon paying the legal fee of an ordinary extract of the same length.

or on making objections to others already enrolled.

Division of the old extent of lands to multiply electors, prohibited.

8. AND whereas great difficulties have occurred in making up the rolls of electors of commissioners for shires, by persons claiming to be enrolled, in respect of the old extent of their lands, where the old extent does not appear from proper evidence, and votes have been unduly multiplied, by splitting and dividing the old extent of lands, since the sixteenth day of September, one thousand six hundred and eighty-one: for remedy thereof, be it enacted and declared, by the authority aforesaid, That no person is or shall be entitled to vote for a commissioner to serve in parliament for any shire or stewartry in that part of Great Britain called Scotland, or to be enrolled in the roll of electors, in respect of the old extent of his lands, holden of the king or prince, unless such old extent is proved by a retour of the lands of a date prior to the sixteenth day of September, one thousand six hundred and eighty-one, and that no division of the old extent, made since the aforesaid sixteenth day of September, one thousand six hundred and eighty-one, or to be made in time coming, by retour or any other way, is or shall be sustained as sufficient evidence of the old extent.

Proviso.

9. PROVIDED always, That lands holden of the king or prince, liable in public burdens for four hundred pounds Scots of valued rent, shall, in all cases, be a sufficient qualification, whatever be the old extent of the said lands; any law or practice to contrary notwithstanding.

10. AND be it further enacted, by the authority aforesaid,

That no purchaser, or singular successor, shall be inrolled till he be publicly infeoff, and his seisin registered, or charter of confirmation be exped, where confirmation is necessary, *one year before the inrolment*; and that no heir apparent shall be inrolled until his predecessors' titles are produced, and allowed by the freeholders as a sufficient qualification for his voting for a member of parliament; and that any person may be inrolled, though absent at the time of such inrolment, provided the titles and vouchers of his qualification are produced and laid before the freeholders; and if any person shall be chosen a member to serve in parliament for any shire or stewartry within that part of Great Britain called Scotland, who shall not be present at the meeting of election; be it enacted, by the authority aforesaid, That the member to serve in parliament so elected, before he takes his seat in parliament, shall take the oath appointed to be taken by every freeholder, who shall claim to vote at any election of a member to serve in parliament, by the act of the seventh year of his present majesty, intituled, 'An act for the better regulating the election of members to serve in the house of commons, for that part of Great Britain called Scotland; and for incapacitating the judges of the court of session, court of justiciary, and barons of the court of exchequer, in Scotland, to be elected, or to sit or vote as members of the house of commons, before the lord steward of his majesty's household, or any person or persons authorized by him for that effect, which he or they are hereby empowered and required to administer; and if a member to serve in parliament, so elected, shall neglect or refuse to take the aforesaid oath, such election shall be void.

How a purchaser shall act before he is inrolled; also an heir apparent.

Persons may send their vouchers, and be inrolled, though absent.

Every one chosen in his absence, to serve in parliament, shall take the freeholder's oath, before he takes his seat.

7 G. 2. c. 16.

On refusing the oath, the election declared void.

Who are to be original constituent members.

11. AND be it further enacted, by the authority aforesaid, That at the annual meetings of the freeholders at Michaelmas, the original constituent members shall be such persons only as shall stand upon the roll, that shall have been last made up, whether at a Michaelmas meeting, or at a meeting for an election of a member to serve in parliament, and that a copy signed and extracted of the roll made up by the freeholders at their Michaelmas meetings, or meetings for elections, together with the minutes of their proceedings at their said meetings, shall, by the respective clerks of such meetings, be forthwith delivered to the sheriff, or steward's clerk, gratis, and shall be inserted in books to be kept by the said sheriff, or steward's clerk, for that purpose, who shall forthwith deliver copies of the same, extracted and signed, to any freeholder who shall desire the same, paying the legal fee for an ordinary extract of the same length, and shall, at every subsequent meeting at Michaelmas, or meeting for any election, produce the said books, for the use of the freeholders; and in case such sheriff or steward's clerk shall neglect or refuse to enter the aforesaid rolls of election, or minutes of proceedings, into books so to be kept for that purpose as aforesaid, or shall neglect or refuse to give copies thereof, extracted and signed, or shall omit to produce the books at any subse-

Minutes of proceedings to be entered in books kept by the sheriff, or steward's clerk.

Minute-books to be produced at public meetings.

Penalty on refusal.

quent meeting as aforesaid, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to be recovered by any freeholder, within such shire or stewartry, who shall sue for the same, in such manner as is hereafter directed; and if the aforesaid principal books, containing the rolls and minutes as aforesaid, shall not be produced at the Michaelmas meetings, or meetings for election, a copy of the said roll and minutes, extracted and signed by the sheriff or steward's clerk, shall be sufficient; and if the sheriff or steward's clerk shall give out false copies of the said roll or minutes, extracted and signed by him, he shall, for every such offence, forfeit the sum of one hundred pounds sterling to the person to whom the false copy is given, to be recovered by him or his executors, in the manner herein-after directed, and shall be for ever after incapable of holding or enjoying his said office.

Penalty on giving false copies of the minutes.

The roll of electors last made, up shall be used at the next election.

12. AND be it further enacted, by the authority aforesaid, That at every election of a commissioner to serve in parliament for any shire or stewartry, within that part of Great Britain called Scotland, the roll of electors which shall be last made up by freeholders, whether at the Michaelmas meeting, or at the last election of a member to serve in parliament, shall be the roll to be called over by the commissioner last elected, or in his absence by the sheriff or steward's clerk, in order to the election of preses and clerk, as also by the preses after he is chosen, for the choice of the member to serve in parliament, and for the determination of all the questions that shall arise in the adjusting the roll, and in the course of the election, excepting so far as the said roll shall, after the meeting is duly constituted by the choice of preses or clerk, be altered by judgment of the majority of the freeholders standing on that roll, by leaving out those whose circumstances are altered, and by adding others who produce proper titles.

Penalty for taking false votes.

13. AND be it further enacted, by the authority aforesaid, That at every meeting for an election of a commissioner to serve in parliament, if the commissioner last elected, or in his absence the sheriff or steward's clerk, shall, in the choice of preses or clerk, receive the vote of any person that does not stand upon the said roll, he shall, for every such offence, forfeit the sum of three hundred pounds sterling, to every candidate for the office of preses or clerk respectively, for whom such person shall not have given his vote, to be recovered by him or them, his or their executors, respectively, in manner herein-after directed; or if the commissioner last elected, or in his absence the sheriff or steward's clerk, shall, in the choice of preses or clerk, not call for, or shall refuse the vote of any person whose name is upon the said roll, he shall, for every such offence, forfeit the like sum of three hundred pounds sterling to the person whose name shall not be called for, or whose vote shall be refused, to be recovered by him, or his executors, in the manner herein-after directed; and if the preses, after he is chosen, shall, in the election of the member to serve in parliament, receive the vote of any person who does not stand

Penalty on refusing good votes.

upon the roll duly made up by the said meeting, he shall, for every such offence, forfeit the sum of two hundred pounds sterling to every candidate for whom such person shall not have given his vote, to be recovered by him, or his executors, in the manner herein-after directed; or if the preses, after he is chosen, shall, in the election of the member to serve in parliament, not call for, or shall refuse the vote of any person whose name is upon the said roll so made up, as aforesaid, he shall, for every such offence, forfeit the like sum of two hundred pounds sterling, to the person whose name shall not be called for, or whose vote shall be refused, to be recovered by him or his executors, in the manner herein-after directed: and it is hereby declared, That in case of equality of votes in the choice of preses or clerk, the commissioner last elected, and in his absence any freeholder present who last represented the shire or stewartry in any former parliament; and if no such person is present, the freeholder present who presided last at any meeting for any election, and in his absence the freeholder who last presided at any Michaelmas meeting; and if none of the said persons shall be present, the freeholder present who stands first on the roll, shall, besides their own votes, as freeholders, have the casting and determining vote, and that the preses chosen shall, after his election, in the choice of the commissioner to serve in parliament, and all other questions, where the votes are equal, in like manner, besides his own vote as a freeholder, have the casting and determining vote.

On equality of votes, in choosing a clerk, whoso shall have the casting vote.

14. AND be it further enacted, by the authority aforesaid, That the persons chosen to be preses and clerk, by the majority of the freeholders present, standing on the said roll, shall be preses and clerk of the meeting for such election; and it shall not be lawful for any number of freeholders to separate from the majority of the persons present, who stand upon the said roll, and set up any person as preses or clerk, other than those who shall be chosen by the majority of the freeholders present, standing on the said roll, and that it shall not be lawful for any person to act as preses or clerk at any such election, unless they are chosen by the majority of persons standing on the said roll; and every freeholder who shall so separate from the majority of the freeholders on the roll, and set up any person as preses or clerk other than those who shall be chosen by the majority, as aforesaid, he shall, for every such offence, forfeit the sum of fifty pounds sterling to the candidate who shall be chosen by the majority of the freeholders from whom such separation was made, to be recovered by him or his executors in manner herein-after directed: and if any person presume to act as preses or clerk, who is not chosen by the majority of the freeholders present standing on the said roll, he shall, for every such offence, forfeit the sum of two hundred pounds sterling, to the candidate who shall be chosen by the majority of the freeholders, as aforesaid, to be recovered by him, or his executors, as herein-after directed.

The clerk being chosen by the majority of freeholders, no separated party shall choose another.

Penalty on separating from the freeholders.

Penalty on acting as clerk, without any authority.

Minutes of election of clerk, to be signed and delivered to the clerk chosen.

15. AND be it further enacted, by the authority aforesaid, That the commissioner last elected, or in his absence the sheriff, or steward's clerk, shall sign the minutes of the election of preses and clerk, and deliver the same to the clerk chosen by the majority of the freeholders, as aforesaid; and if the commissioner last elected, or in his absence, the sheriff or steward's clerk, shall neglect or refuse to sign the aforesaid minutes of election of preses and clerk, and deliver the same to the clerk chosen, as aforesaid, or shall sign false minutes thereof, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to the person elected preses, as aforesaid, to be recovered by him, or his executors, in the manner hereinafter directed.

Penalty on refusing to sign, or on signing false minutes.

Clerk to make a true return.

16. AND be it further enacted, by the authority aforesaid, That the clerk chosen by the majority of the freeholders on the aforesaid roll, shall return to the sheriff or steward such person as shall be elected by the majority of the freeholders on the roll made up at the meeting for election, in the manner aforesaid; and if the clerk chosen, as aforesaid, shall refuse or neglect to return the person elected by the majority of the freeholders on the roll, made up at the meeting for election, or shall return any person other than him who shall be elected by the majority of the freeholders, as aforesaid, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act, made in the seventh year of his present majesty, forfeit the sum of five hundred pounds sterling, to the candidate chosen by the majority of the freeholders on the aforesaid roll; to be recovered by him or his executors, in the manner hereinafter directed.

Penalty on refusing, or making a false one.

The return to be annexed to the writ.

17. AND be it further enacted, by the authority aforesaid, That every sheriff or steward of any shire or stewartry, within that part of Great Britain called Scotland, upon producing to him a copy of the aforesaid roll last made up by the freeholders, at the last Michaelmas meeting, or at the last election of a member to serve in parliament, extracted and signed by the sheriff or steward's clerk, and upon producing and shewing to him the original minutes of the election of preses and clerk, signed by the commissioner last elected, or in his absence, by the sheriff or steward's clerk, shall annex to the writ the return made by the clerk chosen by the majority of the freeholders on the aforesaid roll; and if any such sheriff or steward shall neglect, or refuse to annex to the writ, such return, or if he shall annex to the writ the return made by any other person, pretending to be clerk to the election, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act, made in the seventh year of his present majesty, forfeit the sum of five hundred pounds sterling, to the person returned by the clerk, and chosen by the majority of the freeholders on the aforesaid roll, to be recovered by him or his executors, in the manner hereinafter directed.

Penalty.

When the Michaelmas head court shall be held.

18. AND be it further enacted, by the authority aforesaid, That every sheriff or steward of any shire or stewartry, within that part of Great Britain called Scotland, shall hold

the Michaelmas head court in all time to come, on the day on which it shall appear to him to have been most usually held in times past; and to prevent all uncertainty in time coming, every sheriff or steward shall, at least fourteen days before Michaelmas next, appoint a precise day for holding his Michaelmas head court, in the year one thousand seven hundred and forty-three; and *shall cause intimate* the day of holding his court at all the parish-churches within his said shire or stewartry, upon a Sunday, at least eight days preceding the next Michaelmas head court: and it is hereby declared, That the days so to be appointed by the said sheriff or steward, before Michaelmas next, shall be the anniversary for holding the Michaelmas head court of the said shire or stewartry, in all time coming.

To be intimated in parish-churches eight days before.

19. AND whereas by the constitution of the shire of Sutherland, and by constant usage, the small barons of the said shire have been represented in parliament, not only by the immediate vassals of the king and prince, but also by those who held their lands of the earls of Sutherland, or of other subject superiors, and such vassals holding their lands of subject superiors, have been in use to vote at the election of the commissioners for the said shire of Sutherland, as well as the vassals of the king and prince, and that without any restriction as to the *quota* of the old extent, or of the valued rent of the lands, in respect whereof a right to vote at such elections, or to be elected commissioner for the said shire, was claimed, and thereby votes have been unduly multiplied, and several persons have claimed a vote in respect of the superiority and property of the same lands, whereby great confusions are likely to ensue in future elections; for remedy thereof, be it further enacted, by the authority aforesaid, That from and after the first day of September, which shall be in the year of our Lord, one thousand seven hundred and forty-five, no person shall be capable to be elected commissioner for the said shire, or shall have right to vote at such election, unless he be infeft, and in possession of lands liable to his majesty's supplies, and other public burthens, at the rate of two hundred pounds Scots valued rent.

Usage of the shire of Sutherland.

Qualification of candidates and electors.

20. AND be it further enacted, by the authority aforesaid, That one person, and no more, shall be entitled to vote at such elections, or to be elected, in respect of the same lands; and that where lands are now holden by any baron, or other freeholder, immediately of the king or prince, such baron, or freeholder, shall be capable to be elected, and shall be entitled to vote for those lands: and no vassal, or sub-vassal of the said baron or freeholder, shall have right to vote, or to be elected, in respect thereof; and that where lands are now holden, or shall at any time hereafter be holden of the king or prince, by a peer or other person, or body politic or corporate, who by law are disabled to be a member of the house of commons, or to vote in such elections; in such case the proprietor and owner of such lands, and not any of his superiors, shall be entitled to vote, or to be elected, in respect of the same lands; and that no alienation of the

Candidates and electors to hold their lands immediately from the king or prince.

In what cases the proprietors only shall vote.

Lands held part of the king, and part of a peer, &c. shall qualify the owner to elect, or be elected.

When freeholders in Sutherland shall meet and make a roll.

At annual elections the minority shall not separate from the majority.

superiority to be made by such peer, or other person, or body politic, incapable to elect or to be elected, shall deprive the proprietor and owner of the lands of his right to vote in the elections for the said shire, or his capacity to be elected; nor entitle the purchaser of the said superiority to vote, or to be elected; and that the property of lands, of the valuation aforesaid, holden in part immediately of the king or prince, and in part of a peer, or other person, or body politic incapable to elect, or to be elected, shall be a sufficient qualification to the proprietor and owner of such lands, and shall entitle such proprietor to vote, and to be elected for the said shire; any law or usage to the contrary notwithstanding.

21. AND be it enacted by the authority aforesaid, That the freeholders and proprietors, having right to elect or to be elected a commissioner for the shire of Sutherland, shall meet at the head-borough of the said shire, at the Michaelmas head court, which shall be in the year of our Lord one thousand seven hundred and forty-five, and shall make up a roll of the electors having right to vote in the choice of a commissioner, in the terms of this present act, and of the other acts of parliament, made touching the election of commissioners for shires in Scotland; and which roll, so made up, shall be revised yearly at the Michaelmas meetings, at and after elections according to the rules prescribed in this act, and in other acts made for regulating the elections of commissioners for shires, in that part of Great Britain called Scotland: and it is hereby declared, That the said acts of parliament do extend to the shire of Sutherland, as well as to the other shires in Scotland, except in so far as it is otherwise provided by this present act.

22. AND whereas at the election of members to serve in parliament for the districts of boroughs in that part of Great Britain called Scotland, it often happens, that more persons than one claim to be admitted to vote as commissioners for the same borough, which furnishes pretences to the clerks of the presiding boroughs for partially making false and undue returns: For remedy thereof, be it enacted, by the authority aforesaid, That at the annual election of magistrates and counsellors, and in all the proceedings previous to the election of the magistrates and counsellors for the succeeding year, it shall not be lawful for the minority of any meeting for election, either of magistrates or counsellors, or deacons, or other persons, who, by the constitution of the respective boroughs, may have votes in the election of magistrates or counsellors, to separate from the majority of those having right to act by the constitution of the burgh at such meetings, upon any pretext whatsoever; nor to make any separate election of magistrates, counsellors, or electors: but the minority shall, in all cases, submit to the election made by the majority, in all the parts of election; and if any person elected by the minority of any such meeting, shall presume to vote in the election of magistrates or counsellors, or in electing

the magistrates or counsellors, or in any other step of the election, he shall forfeit the sum of one hundred pounds sterling to any one of the majority of such meeting, to be recovered by him in the manner hereafter directed.

Penalty on offenders.

23. AND be it further enacted, by the authority aforesaid, That no person elected to be a magistrate or counsellor by a minority of those having right to vote in elections of the magistrates and counsellors, shall, upon any pretext whatsoever, presume to act as magistrate or counsellor; and if any person shall notwithstanding presume to act as magistrate or counsellor, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to the magistrates, or counsellors, elected by the majority, or to any of them who shall sue for the same, to be recovered by him or them in the manner herein-after directed.

No person elected by the minority, shall have a right to act.

Penalty on acting, when so chosen.

24. PROVIDED always, and it is hereby declared and enacted, That it shall and may be lawful to and for any constituent member, at any meeting for election of magistrates or counsellors, or of any meeting previous to that for the election of magistrates and counsellors respectively, who shall apprehend any wrong to have been done by the majority of such meeting, to apply to the said court of session, by a summary complaint for rectifying such abuse, or for making void the whole election made by the said majority, or for declaring and ascertaining the election made by the minority, so as such complaint be presented to the said court of session within two calendar months after the annual election of the magistrates and counsellors; and the said court shall thereupon grant a warrant for summoning the magistrates and counsellors, elected by the majority, upon thirty days notice, and shall hear and determine the said complaint summarily, without abiding the course of any roll, and shall allow to the party who shall prevail, their full costs of suit.

Wrongs done by the majority, may be redressed by the court of session.

25. AND whereas the magistrates and counsellors of the royal boroughs in that part of Great Britain called Scotland, by virtue of several laws now in force, are bound to take and subscribe the oath of allegiance, subscribe the assurance, and to take and sign the oath of abjuration, for and on account of their election into their respective offices: and that in his majesty's courts of session, justiciary, or exchequer, at Edinburgh, or at the quarter-sessions of the respective shires and stewartries, within which the royal boroughs are situate, which has been found by experience to be attended with great trouble and expence to the said magistrates and counsellors: for remedy thereof, be it enacted by the authority aforesaid, That it shall and may be lawful to the said magistrates and counsellors to take and subscribe the oath of allegiance, subscribe the assurance, and take and sign the oath of abjuration, before the council of their respective boroughs; and which oaths the chief magistrate, or any other magistrate of the said boroughs respectively, is hereby impowered and required to administer; and the oaths so taken shall be equal, in all respects, as if they had been taken in the courts, and before

Manner of the magistrates and counsellors taking the several oaths.

the judges, directed by the several acts of parliament above referred to.

The clerk to sign the commission, and to fix the seal of the borough.

26. AND be it enacted, by the authority aforesaid, That at every election of commissioners for choosing burgesses for any district of boroughs in that part of Great Britain called Scotland, the common clerk of each borough within the said district shall make out a commission to the person chosen commissioner by the major part of the magistrates and town council assembled for that purpose; which magistrates and town-council shall take the oath of allegiance, and sign the same with the assurance, and shall take all the other oaths appointed to be taken at such election, by this or any former act, if required; and the said clerk shall affix the common seal of the borough thereto and sign such commission, and shall not, on any pretence whatsoever, make out a commission for any person as commissioner, other than him who is chosen by the majority as aforesaid; and if any common clerk of any borough shall neglect or refuse duly to make out and sign a commission to the commissioner elected by the majority as aforesaid, and affix the seal of the borough thereto; or if he shall make out and sign a commission to any other person who is not chosen by the majority, or affix the common seal of the borough thereto; he shall, for every such offence, forfeit the sum of five hundred pounds sterling to the person elected commissioner for the said borough as aforesaid, to be recovered by him or his executors in the manner herein-after directed, and shall also suffer imprisonment for the space of six calendar months, and be for ever after disabled to hold or enjoy the said office of common clerk of the said borough, as effectually as if he was naturally dead.

Penalty on any person acting as clerk, and making out wrongful commissions.

27. AND be it further enacted, by the authority aforesaid, That if any other person who is not the common clerk of the borough, shall take upon himself to act as such in any election of a commissioner for choosing a Burgess for any district of boroughs in that part of Great Britain called Scotland, and shall make out a commission for any other person as commissioner, other than the person who was chosen by the majority as aforesaid, and shall sign or affix the common seal of the borough thereto; he shall, for every such offence, forfeit the sum of five hundred pounds sterling, to the person elected commissioner for the said borough as aforesaid, to be recovered by him or his executors in the manner herein-after directed.

Who shall act in absence of the presiding commissioners.

28. AND whereas by an act passed in that part of Great Britain called Scotland, the fifth day of February, in the year one thousand seven hundred and seven, intituled, 'Act settling the manner of electing the sixteen peers, and forty-five commoners, to represent Scotland, in the parliament of Great Britain;' it is, amongst other things enacted, That where the votes of the commissioners for the said boroughs, met to choose representatives from their several districts to the parliament of Great Britain, shall be equal; in that case, the president of the meeting shall have a casting or decisive vote, and that by an attour his

vote as a commissioner from the borough from which he is sent; but no provision is made in case of the absence of the commissioner from the presiding borough, or of his refusing to vote at such election: For remedy thereof, be it enacted by the authority aforesaid, That if the commissioner from the presiding borough shall be absent from the meeting of commissioners for choosing burgesses to serve in parliament, or shall refuse to vote at such election, the commissioner from the borough which was the presiding borough at the last election; and if he also be absent, or shall refuse to vote as aforesaid, the commissioner from the borough which was the presiding borough at the election immediately preceding the last; and in case he shall be likewise absent, or shall refuse to vote as aforesaid, the commissioner from the borough which was the last presiding borough but two, shall have, in the aforesaid respective cases, besides his own vote, the casting or decisive vote.

29. AND be it further declared, by the authority aforesaid, That it is no objection to any commissioner for choosing a burgess, that he is not a residenter within the borough, bearing all portable charges with his neighbours, or that he is not trafficking merchant therein, or that he is not in possession of any burgage lands or houses holding of the said borough, and that such qualifications need not be engrossed in his commission; any law, custom, or usage to the contrary notwithstanding.

No objection
against non-
residents, &c.

30. AND be it further enacted, by the authority aforesaid, That at all meetings of commissioners for choosing burgesses to serve in parliament, the common clerk of the presiding borough shall allow the votes of such persons only who produce commissions, authenticated by the subscription of the common clerk, and the common seal of the respective boroughs within the district, and shall return to the sheriff or steward the person elected by the major part of the commissioners assembled, whose commissions are authenticated as aforesaid; and if he neglect or refuse to return such persons so elected to the sheriff or steward, or if he shall return to the sheriff or steward any person other than him who is so elected, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act, made in the seventh year of his present majesty, forfeit the sum of five hundred pounds sterling, to the candidate elected by the majority of the commissioners assembled, whose commissions are authenticated as aforesaid, to be recovered by him or his executors, in the manner herein-after directed; and he shall also suffer imprisonment for the space of six calendar months, and be for ever after disabled to hold or enjoy his said office of common clerk of the said presiding borough, as if he was naturally dead.

What votes
shall be al-
lowed.

Penalty.

31. AND be it enacted, by the authority aforesaid, That every sheriff or steward in that part of Great Britain called Scotland, shall annex to the writ the return made by the aforesaid clerk of the presiding borough; and if any such sheriff or steward neglect or refuse to annex to the writ

Writ and re-
turn to be an-
nexed.

Penalty.

such return, or if he shall annex to the writ any return made by any other person, he shall, for every such offence, instead of the penalty or forfeiture to which he is made liable by the aforesaid act, made in the seventh year of his present majesty, forfeit the sum of five hundred pounds sterling, to the candidate returned by the aforesaid clerk of the presiding borough, to be recovered by him or his exors in the manner herein-after directed.

Proviso.

32. PROVIDED always, That if any person to whom no commission is made out, as aforesaid, shall insist that he was duly elected the commissioner from any royal borough, the person so claiming shall be admitted to the meeting of the commissioners for choosing burgesses to serve in parliament, and may, at the said meeting make offer of taking all the oaths required by law, and declare for whom he would have voted, had he been duly commissioned, which oaths the clerk of the presiding borough is hereby required and empowered to administer; and the said clerk shall also set down in the minutes of proceedings, the declaration of such person as to the candidate for whom he would have voted, had he been duly commissioned; but the said clerk shall, upon no pretence whatsoever, receive or consider such person as a legal voter, or such declaration as a legal vote, at such election.

Act 2 Geo. 2.
c. 24. extended
to elections of
delegates.

33. AND whereas doubts have arisen, whether the act of parliament made in the second year of the reign of his present majesty, intituled, 'An act for the more effectual preventing bribery and corruption in the election of members to serve in parliament,' extends to the electors of commissioners for choosing burgesses: be it hereby enacted, by the authority aforesaid, That the electors of commissioners for any royal borough, within that part of Great Britain called Scotland, for choosing burgesses to parliament, are within the true intent and meaning of the said act, to be considered as electors of the member to serve in parliament, and shall be so deemed and adjudged to all intents and purposes whatsoever, and shall be liable to all the provisions, forfeitures, and incapacities, to which persons voting, or claiming to vote for any member to serve in parliament, are made liable by the said act.

34. AND be it further enacted, by the authority aforesaid, That at every election of commissioners for choosing burgesses for the several districts of boroughs in that part of Great Britain called Scotland, and at the election of a Burgess to serve in parliament for the city of Edinburgh, every magistrate, town counsellor, or person having, or claiming to have a right to vote at such election, instead of the oath prescribed to be taken by the said act, before he is admitted to vote at the same election, shall take the following oath, in case the same shall be demanded by any one of the electors: and which oath any of the magistrates, or, in their absence, any of the town council, are hereby empowered and required to administer:

Oath to be
taken by the

'I. A. B., do solemnly swear, That I have not, directly or indirectly, by way of loan or other device whatsoever,

received any sum or sums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself or any other, to my use or benefit, or advantage, or to the use, benefit, or advantage of the city or borough of which I am magistrate, counsellor, or burgess, in order to give my vote at this election. magistrates, at the election of a burgess, &c.

‘So help me God.’

35. And be it further enacted, by the authority aforesaid, That in all elections of commissioners for choosing burgesses, and before they proceed to election, the common clerk of each borough shall take and subscribe the oath following, which any of the magistrates, or, in their absence, any two of the town-council, are hereby empowered and required to administer ;

‘I, A. B., do solemnly swear, That I have not, directly or indirectly, by way of loan or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself or any other, to my use, or benefit, or advantage, to make out any commission for a commissioner for choosing a burgess; and that I will duly make out a commission to the commissioner who shall be chosen by the majority of the town-council assembled, and to no other person. Oath to be taken by the common clerk, before the election of commissioners to choose burgesses.

‘So help me God.’

And that at all meetings of the commissioners for choosing burgesses to serve in parliament, and before they proceed to the election, the clerk of the presiding borough shall take and subscribe the following oath, which the commissioner for the presiding borough, or in his absence any other of the commissioners, is hereby required and empowered to administer :

‘I, A. B., do solemnly swear, that I have not, directly or indirectly, by way of loan, or other device whatsoever, received any sum or sums of money, office, place, employment, gratuity or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, either by myself, or any other, to my use, or benefit, or advantage, to make any return at this election of a member to serve in parliament; and that I will return to the sheriff or steward the person elected by the major part of the commissioners assembled, whose commissions are authenticated by the subscription of the common clerk, and common seal of the respective boroughs of this district. Oath of the clerk of the presiding borough, before election.

‘So help me God.’

36. And be it further enacted, by the authority aforesaid, That if the clerk of the presiding borough shall neglect or refuse to take the oath aforesaid, such clerk, so refusing or neglecting, shall be incapable to act as clerk to the said meeting; and it shall be lawful to and for the said commissioners, and they are hereby empowered and required to choose another clerk to the meeting for the election, and who shall have all the powers and authorities in the said meeting, and in the returning the member chosen Penalty on the clerk of the presiding borough's neglect.

by them, that by law are competent to the clerk of the presiding borough.

37. AND be it further enacted, by the authority aforesaid, That at all the elections of a member to serve in parliament for any county or stewartry in that part of Great Britain called Scotland, the clerk chosen by the majority of such persons as stand upon the said roll last made up by the freeholders, whether at the Michaelmas court, or at the last election of a member to serve in parliament, shall immediately after his election, take and subscribe the following oath, which the preses of the meeting is hereby required and impowered to administer :

Oath of the clerk, at election of members.

‘ I, A. B., do solemnly swear, That I have not, directly or indirectly, by way of loan or other device whatsoever, received any sum or sums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promise of any sum or sums of money, office, place, employment, or gratuity whatsoever, by myself or any other, to my use, or benefit, or advantage, to make any return at the present election of a member to serve in parliament; and that I will return to the sheriff or steward the person elected by the majority of the freeholders upon the roll made up at this election, and who shall be present and vote at this meeting. ‘ So help me God.’

38. AND whereas, by the said act of parliament made in the second year of the reign of his present majesty, it is enacted, That every sheriff, mayor, bailiff, headborough, or other person being the returning officer of any member to serve in parliament, shall, immediately after reading the writ or precept for the election of such members, take and subscribe the oath contained in the aforesaid act; be it enacted, by the authority aforesaid, That so much of the said act as requires the said oath to be taken by any returning officer within that part of Great Britain called Scotland, shall be and is hereby repealed.

Repeal of part of the act 2 G. 2. c. 24. as to Scotland.

39. AND be it further enacted, by the authority aforesaid, That if any person shall presume wilfully and falsely to swear and subscribe any of the oaths required to be taken by this act, and shall thereof be lawfully convicted, he shall incur the pains and punishments of perjury, and be prosecuted for the same, according to the laws and forms in use in Scotland.

Penalties of perjury.

40. AND be it further enacted, by the authority aforesaid, That when any new parliament shall, at any time hereafter, be summoned or called, the lord chancellor, lord keeper, or lords commissioners of the great seal for the time being, shall issue out the writs for election of members to serve in parliament for that part of Great Britain called Scotland, with as much expedition as the same may be done; and that as well upon the calling or summoning any new parliament, as also in case of any vacancy during this present or any future parliament, the several writs shall be delivered to the sheriff or steward to whom the execution thereof does belong or appertain, and to no other person whatsoever; and that every such sheriff or steward, upon

Writs of summons for calling a new parliament, to be made out immediately.

the receipt of the writ, shall, upon the back thereof, indorse the day he received the same, and shall forthwith, upon receipt of the writ, at least within the space of four days after the receipt thereof, make out a precept to each borough within his jurisdiction, to elect a commissioner for choosing a burges to serve in parliament, and shall cause the same to be delivered to the chief magistrate of such borough resident in the borough for the time being; and in case such sheriff or steward shall neglect to indorse on the back of the writ the day he received the same, or shall neglect to make out his precept, and to deliver the same to the chief magistrate within the time, and in the manner above directed, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to any magistrate of the borough to which the precept is not timely delivered, who shall sue for the same, to be recovered in manner herein-after directed.

Penalty on sheriff's delaying the precepts.

41. AND be it further enacted, by the authority aforesaid, That such chief magistrate to whom the precept shall be delivered in manner above directed, upon the receipt thereof, shall, upon the back of the precept, indorse the day he received the same, and shall, within two days after his receipt of the precept, call and summon the council of the borough together, by giving notice personally, or leaving notice at the dwelling-place of every counsellor then resident in that borough, which council shall then appoint a preceptory day for the election of a commissioner for choosing a burges to serve in parliament.

When the council shall be called, for setting a day to choose a commissioner for electing a burges.

42. PROVIDED always, That two free days shall intervene betwixt the meeting of the council which appoints the day of election of the said commissioner, and the day on which the election of the commissioner is to be made: and in case such chief magistrate shall neglect to indorse the day he received the precept, on the back thereof, or to summon the council within the time and in the manner above directed, he shall, for every such offence, forfeit the sum of one hundred pounds sterling, to any magistrate or counsellor of the said borough who shall sue for the same, to be recovered in manner herein-after directed.

Two days to be allowed between the council meeting and the day of election. Chief magistrate to indorse the day he received the precept. Penalty.

43. AND be it further enacted, by the authority aforesaid, That every penalty or forfeiture by this act imposed, in that part of Great Britain called Scotland, shall and may be sued for and recovered by way of summary complaint, before the court of session, upon thirty days' notice to the person complained of, without abiding the course of any writ; which said complaint the court of session is hereby authorized and required to determine; as also to declare the disabilities and incapacities, and to direct the judgments, as herein provided.

Manner of recovering penalties.

44. PROVIDED always, and it is hereby declared and enacted, by the authority aforesaid, That no person shall be made liable to any incapacity, disability, forfeiture, or penalty by this act imposed, in that part of Great Britain called Scotland, unless prosecution be commenced within

Limitation of actions.

one year after such incapacity, disability, forfeiture, or penalty shall be incurred.

ANNO 14^o GEORGE III. CAP. 81.

An Act for altering and amending an Act, made in the Sixteenth Year of his late Majesty's Reign, intituled, An Act to explain and amend the Laws touching the Election of Members to serve for the Commons in Parliament, for that part of Great Britain called Scotland; and to restrain the Partiality, and regulate the Conduct, of Returning Officers at such Elections, by altering the Time of Notice, ordered by the said Act to be given, in the Service of Complaints to the Court of Session, of Wrongs done in Elections, and by regulating the Manner, and settling the Place, of Election of a Burgess to serve in Parliament for a District of Boroughs in Scotland, when the Election of the Magistrates and Council of a Borough, which ought in course to be the presiding Borough at an Election, happens to be reduced, and made void, by a Decree of the Court of Session, and not revived by the Crown, when such Election is made.

A. D. 1774.

WHEREAS by an act, made in the sixteenth year of his late
t 16 Geo. 2. majesty's reign, intituled, 'An act to explain and amend
the laws touching the elections of members to serve for the
commons in parliament, for that part of Great Britain called
Scotland, and to restrain the partiality, and regulate the
conduct, of returning officers, at such elections,' complaints
to the court of session, for redress of wrongs committed by
the inrolling, or refusing to inrol, persons claiming to be
inrolled in the roll of freeholders, or in the annual elections
of royal boroughs, are ordered to be served upon thirty
days' notice; And whereas it is found by experience, so
long notice is unnecessary, and occasions delay in the sum-
mary determination of such complaints, agreeable to the
intendment of the said act: may it therefore please your
majesty that it may be enacted, and be it enacted, &c.,
That from and after the twelfth day of June, in the year of
our Lord one thousand seven hundred and seventy-four, the
court of session shall grant warrants for the service of all
such complaints as aforesaid, upon *fifteen days' notice*.

Court of ses-
sion, on fifteen
days notice,
shall grant
warrants for
service of com-
plaints for re-
dress of
wrongs com-
mitted by in-
rolling at elec-
tions.

2. AND whereas the elections of magistrates and coun-
sellors of royal boroughs in Scotland have sometimes been
reduced and made void by decrees of the court of session,
in actions or complaints brought before the said court for
that purpose, by which the corporate powers of such
boroughs are, in effect, in a state of non-existence, until re-
stored by the justice and favour of the crown; and whereas
no provision is made in the aforesaid act of the sixteenth year
of the reign of his late majesty, or any other act now in being,
for regulating the manner, and settling the place of election
of a burgess to serve in parliament for a district of boroughs
in Scotland, when the election of magistrates and council

of a borough, which ought in course to have been the presiding borough at the election, happens to be reduced, and not revived when the election is made. For remedying thereof, be it enacted, by the authority aforesaid, That in every election of a burghess to serve in parliament for a district of boroughs in Scotland, when it shall happen that the election of the magistrates and council of the borough, which ought to have been the presiding borough at such election, is reduced and not revived, the next borough entitled to preside in turn, shall be the presiding borough, and the election shall be made at that borough; and the commissioner for that borough shall be the president of the meeting of commissioners for the election, and have a casting and decisive vote, besides his own, as commissioner, where the votes of the commissioners are equal; and the common clerk of that borough shall be clerk to the election; and every matter and thing concerning the election shall be proceeded in as if that borough had been the presiding borough, in the ordinary course of rotation.

Election of a burghess to serve in parliament regulated.

3. AND be it further enacted, by the authority aforesaid, That the borough which would have been the presiding borough at the election, if the election of the magistrates and counsellors of such borough had not been reduced, shall, when revived by the justice and favour of the crown, have no right or title to be a presiding borough in the election of a burghess to serve in parliament for the district of boroughs of which it is one, until the other boroughs of the district, each in their turn, have successively provided, and that the right devolves upon such borough in the ordinary course of rotation.

The presiding borough of the district, how to be ascertained.

ANNO 35^o GEORGII III. CAP. 65.

An Act to prevent unnecessary Delay in the Execution of Writs, for the Election of Members to serve in Parliament, for that Part of Great Britain called Scotland.

A. D. 1795.

WHEREAS the execution of writs of election of members to serve for the commons in parliament for that part of Great Britain called Scotland, has often been improperly delayed; for remedy whereof, may it please your majesty that it may be enacted, and be it enacted, &c., That the sheriff, or steward depute, or substitute of any county, or stewartry, in that part of Great Britain called Scotland, shall, within six free days after receiving the writ or writs for the election of members to serve in parliament, direct the notices required by law to be given, as to the time and place of election of a member for such county or stewartry; and that the day of election appointed by the sheriff shall not be sooner than six free days, nor later than fifteen days after the day of publication at the church doors.

Preamble.

Sheriffs, deputies, or substitutes, &c. to direct, within six days after receiving the writs, the notices required to be given for elections of members, &c.

2. AND whereas doubts have been entertained by whom the writs for election of members to serve for the commons

None but sheriffs, deputies, &c., or, in

their absence,
their substi-
tutes, to re-
ceive and exe-
cute writs for
elections.

in parliament for that part of Great Britain called Scotland, should be received and executed when there happens to be a principal or high sheriff, or steward appointed by his majesty in any county or stewartry, as well as a sheriff depute, or steward depute, whose commission is also de-mised from the crown, and is, *ad vitam aut culpam*, in respect to that, by an act passed in the twentieth year of his late majesty, for taking away and abolishing the heritable jurisdictions, these offices, and the powers and authorities be-longing to them, were essentially changed; for remedy thereof, and to remove such doubts, be it enacted, That, upon issuing of any writ or writs for the election of a mem-ber or members to serve in parliament for that part of Great Britain called Scotland, the said writ or writs shall be forthwith forwarded and delivered to the sheriff depute, or steward depute, or to the substitute of each, and the prin-cipal or high sheriff, or steward, shall not officiate either in receiving or in executing the writ, the whole of this duty being entrusted to the sheriff depute, or steward depute, or in case of absence, to the substitute of each, and to no other person whatsoever.

Penalty on
sheriffs, de-
putes, &c. for
neglect of
duty;

3. AND be it enacted by the authority aforesaid, That if any sheriff, or steward depute, or substitute, shall wilfully refuse, neglect, or delay to do or perform what is hereby re-quired of him, in any of the particulars aforesaid, he shall, for every offence, forfeit and pay the sum of five hundred pounds sterling, one half to the person who shall sue for the same, and the other half to his majesty, to be sued for and recovered in the manner directed by an act of the six-teenth year of the reign of his late majesty king George the Second, intituled, 'An act to explain and amend the laws touching the election of members to serve in parliament for that part of Great Britain called Scotland; and to re-strain the partiality, and regulate the conduct, of return-
ing officers at such elections.'

and on high
sheriff, &c. for
interfering in
the execution
of writs.

4. AND be it enacted by the authority aforesaid, That if any principal, or high sheriff, or steward, or any person, other than the sheriff or steward depute, or the substitute of each, shall presume, in any respect, to interfere, or take upon himself the execution of writs of election of members to serve in parliament for that part of Great Britain called Scotland, every such person so offending in any particular, shall, for every offence, forfeit and pay the sum of one thousand pounds sterling, one half to the person who shall sue for the same, and the other half to his majesty, his heirs, and successors, to be sued for and recovered in the manner directed by an act of the sixteenth year of the reign of his late majesty king George the Second, intituled, 'An act to explain and amend the laws touching the election of members to serve for the commons in parliament for that part of Great Britain called Scotland; and to restrain the partiality, and regulate the conduct, of returning officers at such elections;' and further, the person convicted on any writ, shall thereby become disabled and incapable of ever

bearing and executing any office or place of trust whatsoever, under his majesty, his heirs, and successors.

5. PROVIDED always, and be it further enacted by the authority aforesaid, That every action or suit for any offence against this act, shall be commenced within twelve months after commission of the fact on which the same is grounded, or within twelve months after the conclusion of any proceedings in the house of commons relating to such election. Limitation of actions.

6. AND whereas the several parish churches in the stewartry of Orkney and Zetland are situated upon islands, detached and difficult of access; be it therefore enacted, That the writ for the election of a member to serve in parliament for the said stewartry, shall be published at the town of Kirkwall, and the twelve parish churches in the island of Pomona, or the main land of Orkney only. Writs for the election of members for Orkney and Zetland, where to be published.

ANNO 37^o GEORGII III. CAP. 138.

An Act to amend an Act, made in the Twenty-second Year of the Reign of his present Majesty, intituled, An Act for better securing the Freedom of Elections of Members to serve in Parliament, by disabling certain Officers employed in the Collection or Management of his Majesty's Revenues, from giving their votes at such Elections, by extending the Provisions thereof to Persons voting in any Meeting of Freeholders for Preses or Clerk, or on any Question relative to the Adjustment of the Roll of Freeholders, in that Part of Great Britain called Scotland; and for empowering Freeholders to administer the Oath of Trust and Possession to Persons offering to vote for Preses and Clerk. A. D. 1797.

WHEREAS an act was made in the twenty-second year of the reign of his present majesty, intituled, 'An act for better securing the freedom of elections of members to serve in parliament by disabling certain officers, employed in the collection or management of his majesty's revenues, from giving their votes at such elections;' And whereas great inconveniences have arisen in that part of Great Britain called Scotland, at the meetings for elections of members to serve in parliament, by the persons who are declared by the said act incapable of voting at such elections giving their votes for the choice of preses or clerk to the freeholders, and on questions relative to the adjustment of the roll, not only at such elections, but at other meetings of freeholders, whereby the votes of such persons so incapacitated, although not actually given for any member to serve in parliament, yet may often be decisive of such election; Be it therefore enacted, &c. That from and after the passing of this act, no person or persons described in the said recited act, and thereby rendered incapable of voting in the election of members to serve in parliament, shall be capable of voting at any election for the choice of a preses or clerk to the freeholders of any county in that part of Great Britain

22 Geo. 3. c. 41
recited.

No person described in the recited act as incapable of voting for a member of parliament, to vote for a preses or clerk to the free-

holders in
Scotland, &c.

called Scotland, or on any questions relative to the adjustment of the roll of freeholders of any such county, not only at such elections, but at all other meetings of the freeholders of any such county; and if any person, hereby made incapable of voting, shall nevertheless presume to give his vote during the time he shall hold, or within twelve calendar months after he shall cease to hold or execute, any of the offices mentioned in the said act, contrary to the true intent and meaning of this act, such votes so given shall be held null and void to all intents and purposes whatsoever; and every person so offending shall forfeit the sum of one hundred pounds, one moiety thereof to the informer, and the other moiety thereof to be immediately paid into the hands of the clerk of the justices of the peace of the counties or stewardries in that part of Great Britain called Scotland, to be applied and disposed of to such purposes as the justices at the next general quarter sessions of the peace to be held for such county or stewardry shall think fit; to be recovered by summary complaint before the court of session in Scotland; and the person convicted on any such suit, shall thereby become disabled and incapable of their bearing or executing any office or place of trust whatsoever, under his majesty, his heirs and successors.

Penalty for
voting £100;

and incapacity
to serve his
majesty.

Any freeholder may put the oath of trust and possession to persons offering to vote for preses and clerk.

No person liable to penalty, unless prosecuted within a year.

2. AND be it further enacted, That if any person, at an election for a member to serve in parliament for any county, shall offer to vote in the election of preses and clerk, it shall and may be lawful for any freeholder to put the oath of trust and possession to him before giving his vote, in the same manner as is now practised after the preses and clerk are chosen.

3. PROVIDED also, and be it enacted, That no person shall be liable to any forfeiture or penalty by this act laid or imposed, unless prosecution be commenced within twelve months after such penalty or forfeiture shall be incurred.

INDEX.

PART I.—INDEX TO THE SUMMARY AND GENERAL STATUTES.

PART II.—INDEX TO THE STATUTES FOR IRELAND AND SCOTLAND.

PART I.

INDEX TO THE SUMMARY AND GENERAL STATUTES.

N. B.—*The Arabic Numerals refer to the pages of the Summary, the Roman to those of the Statutes.*

A.

ABODE of freeholders to be entered on the poll book, 71-2; *lii.* freeholders oath of, may be qualified, 74.

Absentee, proceedings of committee relative to the absence of members, *xcviii.* from parliament to be amerced, *x.* and lose their wages, *xvii.*

Adjournment. See *Poll. Committee. County Court.*

Admiralty, secretary to, not disqualified as a member, *lxxiii.* clerks and deputies of commissioners disqualified, *59, lxxii.* the same in the office of lord high admiral, *59, lxxii.*

Admissions. See *Freeman.*

Agent. See *Evidence.*

Aliens, who are, 1. cannot vote unless denazigated; or naturalized, 1. cannot be elected, *58.*

Ale-duties, what persons concerned in not to be members, *xxvii. xxxvii.*

Alms, receipt of, when it disqualifies to vote, 3, 4. within what time, 3, *lxi.*

Ancient demesne, tenants in, disqualified to vote, 6.

Annuity, when it gives the right to vote, 9. must be registered with clerk of the peace, 9, 26. when it must be registered 12 months before the election, 26, *xc.* Annuities coming by descent, &c. must be registered according to the fact, 27. since 1763, a memorial must be registered, *xc.* how to be registered, *xc.* where voter is assignee, *xc.* when made 40 miles from the office of clerk of the peace, *xcii.* evidence of registration, *ibid.* officer to attend with books of entries of, at elections, *xciii.* annuities not liable to assessment under 20 G. 3, c. 17, 26.

Appeal, commissioners of clerks and deputies not to be members, *xxvii.* See *Excise, Customs, Stamps.* Against land-tax assessments, *cix.* further appeal to sessions, *cxii.* costs, *ibid.* petition of, See *Petition.*

Army, promotion in, does not vacate member's seat, 60; *xliv.* deputy

paymaster not disqualified as a member, lxxiii. paymaster's clerks disqualified as members, lxxii. and agents, xliii. clxi. and comp-trollers of accounts, xliii.

Arrest, members privileged from, xli. lxix. c.

Assessor, his duty in delivering duplicates, cix. his evidence to supply want of assessment rejected, 23.

Assessment. See *Freehold*. Of freehold in cities and towns being counties, how made and to whom duplicates delivered, lxxxii. justices may order assessments to be made, cxi. duplicates to be placed on the church doors, cix. may be amended upon appeal, cxii. duplicates to be open to inspection, cxiii. lxxvi. copies of, evidence, cxiii. penalty on clerk of the peace refusing, cxiv. form of, 20, cxv. no proof of the annual value of the freehold, 17.

Aylesbury, 69.

B.

Bailiffs to return precepts to sheriffs, xvi. See *Returning Officer*.

Bank of England, governor, deputy governor and directors may be members, lxxii. so may members of the corporation, xxvii.

Bankruptcy, when it vacates a member's seat, 60, clxxv.

Bankers' books, when evidence, 107.

Barristers, communications to privileged, 106. number of, allowed before committees, 95.

Bonds to procure a return void, xxxi. so to re-convey lands given as a qualification, 18, 1.

Book. See *Returns*. *Freeman*.

Borough, right of voting for, 29. oath of voters for, cxxx.

Bramber, freeholders of, vote for New Shoreham, 2, ciil.

Bribery, what it is, 51. wager laid by two voters on the event of the election, *ibid*. whether payment of the voter's travelling expences is bribery, or of fees on his admission as a freeman, or the giving money *after* an election, 52. corruptly procuring a return, 54. clxxii. always an offence at common law, 51. effects of, as to candidate, 54. at the particular election, 54. at a future election, 54. judgment of bribery by a committee, 55. what amounts to it, *ibid*. effect of, as to voter, conviction of, disqualifies, 1, lxiii. but a declaration by committee, that a person has been guilty of bribery does not, 1. penalty upon, for taking a bribe, lxiii. oath against, to be taken by returning officer at the election, 69, lxii. by the voter at the poll, and before polling if required, 73, lxi. clxxi. penalty upon, for perjury, lxiii. act against, to be publicly read at the election, 69, lxiv. offenders indemnified by discovering others, lxiv. limitation of prosecution, lxiv. personal service of process, lxviii.

Burgage tenure, nature of, 31-2-3. according to the decisions of committees, 31. the tenement must be indivisible to give a right of voting, 31-2. modern definitions, 32. the tenure is socage, 34. the different interests, of the tenants in the tenements, 34. whether 78 W. 3. c. 25, extends to such boroughs, 34. possession of the premises, 34-5. tenants exempted from the freeholder's oath, prescribed by 19 G. 2, c. 28, lxxxiv. v. occasionality in such boroughs, 35.

C.

Calicoes, persons concerned in the duties on, not to meddle with elections, xlix.

- Call of the house, on days appointed to chuse committees, clvii.
- Candidates. See *Members*. Nomination of, 69. must take the qualification oath, if required, 69, xlv. consequences of refusal, 69, xlvii. may be proposed during the poll, 71. with the minority of, votes when declared duly elected, 48-9, 55. for what expences the candidate is liable, 66. for poll-books and administering oaths, cliv. must be, 21 years old, 48, 58, xxxv. need not reside in the county, cvii. consent of, will not compromise the rights of electors, 70, 75.
- Captain, &c. of post office packets cannot vote, cxxi.
- Cards, persons concerned in duties on, not to meddle with elections, xlix.
- Casting voice, returning officer has none, unless by particular custom, 75. chairman of a select committee has, xcix.
- Certificate, by two members of a vacancy during a recess, cxxvi. of having taken the oaths at an election given to the voter, clii. printed forms of, to be provided, cliv. a book of the certificates of annuities to be kept, xcii.
- Chambers, right of voting for, not restrained, though not charged with the land-tax, lxxv.
- Charity, when it disqualifies, 4.
- Chester, to have members, xix.
- Cheque book, for counties, 72, lxxvii. for cities, &c. which are counties, 67, 73, lxxxi.
- Cinque ports, officer of, allowed six days for delivery of precept, 65, xxxvi. Lord Warden not to recommend members, xxvi.
- Cities and boroughs, right of voting for, 29, and oath of voters, cxxx. 1.
- Cities and towns which are counties of themselves, duty of returning officers for, after receipt of the writ and before the election, 66. during the election, see *Returning Officer*. Regulation of elections in, lxxix.
- Clerk of the peace, to keep a book of the certificates of annuities, xcii. and attend at elections with it on request, xciii. it may be inspected, xcii. to attend at elections with duplicates of the land-tax, cxiii. penalty on refusing inspection of the duplicates, cxiv. how paid, cxiii. to attend daily at his office gratis, after the issuing of the writ, cxiii. penalties how recovered, cxiv. how verdict against him operates as a conviction, cxiv. of the crown, see *Crown* and *Penalties*.
- Commissioners. for administering oaths at the election, 73; clii. See *Oaths*.
- Committee for the trial of petitions, mode of selecting, 85, 86, 87, xciii. cxxxii. number of members, *ibid*. choice of nominees, *ibid*. excuses from serving upon, xcv. clxxxiii. iv. notice of, to be given by the speaker to the petitioners, &c. 85, xciii. cxxxii. when to the returning officer, cxxxvi. of petition of appeal to be inserted in the gazette, 86, cxlv. where there are more than two parties in distinct interests, 87, cli. how sworn, 87, xcvi. when deemed legally appointed, 87, clxxxiii. when to meet, 87, xovi. chairman chosen, 87, xcvi. to have a casting voice, xcvi. if the 49 cannot be completed, the house may proceed to other business, clvii. what may be proceeded in on the days appointed to consider the petition, cxlix. adjournment of, for what time and how, xcvi. where they have a report to make, or the house adjourns longer than three days, cli. proceedings by, when a member cannot vote, xcix. absence of members, xcvi. how many must attend, xcvi. resolutions re-

- ported, xcvi. right of election disputed, 88. preliminary objections to the petitioner's proceeding, 88. where the sitting member withdraws, 90. petitioner's case, how to be opened, 91. allegations in the petition, evidence of, 91-2. power of the committee as to witnesses, xcix. cxli. to send for papers, xcvi. separate questions separately tried, 92. lists of objected voters delivered to the clerk of the house, 93. what objections to be specified in the lists, 93-4. a point may be re-argued, 95. parties who may be before the committee, 95. order of hearing them, 96-7. separation of, 97. counsel, number of allowed, 95-6. evidence before, *See Evidence*. Will not grant orders to produce title deeds, 103. witnesses upon oath, xcix. report of, that petition is frivolous or vexatious, 107, cxlii. upon the right of election, or chusing returning officers, 109. final, *ibid*. cxlv. when last determination may be explained, and by what evidence, 110. not dissolved by prorogation, cxlvi.
- Confidential communications. *See Evidence*.
- Contracts, what contracts with government disqualify the contractors to be members, 59, cxxiii. cxli. members having, may be discharged from them, cxxiv. condition to be inserted in all, that no member shall have a share, cxxv.
- Conveyances, to multiply votes, void, 18, xxxiv. and absolute to the grantee, l. to create fraudulent, shall have no operation, 18, lxxxiii.
- Corporation, sole may vote, 11. aggregate members of, have no vote as freeholders in respect of the corporate lands, 11. members of, their right of voting in towns, &c. 37. how composed, 37.
- Copyholders, cannot vote for counties, 6, lxxxv. where they are qualified to vote, 34. common copyholders can vote only at Cricklade, 31.
- Counties, right of voting for, 5. *See Freehold*.
- County, court for elections where held, 65. a special one to be held for the election only, 65, cxxx. as to the holding of county courts and their adjournment, *See* xxxiii. xxxv. lxvi. cxxx. not to be adjourned for more than 16 days, 65, lxxxviii. proceedings against sheriff offending, *ibid*. not to be unnecessarily adjourned, nor to another place without consent of candidates, xxxiv. at Southampton, must be adjourned to Newport at request of candidate, lxxxv.
- Coventry, regulation of elections at, cxv.
- Cricklade, regulation of elections at, cxxi.
- Crown, clerk of, his duty as to entering returns, xxxi. *See Penalties*.
- Customs, what persons concerned in are not to vote, 2, cxxi. nor to influence any election of members, 57, xl. what persons concerned in are disqualified as members, 58, xxxix. clx.
- Customary tenants, whether they can vote, 7.

D.

- Declaration against popery, and when to be made, 61, xxiv. xxv. of fidelity by quakers, how made at the election, cliv.
- Denizens may vote, 1, cannot be elected, 58.
- Devises by will, within the splitting act, clxxvii.
- Dice, persons concerned in duties on, not to influence elections, xlix.
- Duplicates of land-tax assessments, how to be made, and regulations respecting them, lxxvi. cviii. ix. cxiii. clerk of the peace to attend with them during the election, at the candidates' expence; to make copies of them, cxiii. for cities and towns, which are counties of themselves, lxxxii.

Dower, where the husband of widow entitled to, may vote in right of, 8, cxii.

Durham, to send knights and burgesses to parliament, xxii. to whom the writ goes, and how elections are made, *ibid.* Durham act. 3 G. 3. c. 15. See *Elections*.

E.

Elections for counties, when and at what place holden, 65. cxxx. xxxiii. lxxviii. for cities and towns which are counties of themselves, lxxviii. for boroughs and towns, 67. proclamation of time of holding for counties, 65-6, cxxx. notice of, cl. notice of, for boroughs, 67, xxxiii. cl. regulation of, xi. where the franchise is wholly or in part in freemen, the 3 G. 3. c. 15, is to be read, 69, lxxviii. soldiers are to be removed from the place of election during the time of, 56, lxvii. what description of, excepted, *ibid.* what places excepted, *ibid.* when the election is avoided, 47, 8. freedom of, violated by bribery, 51. by treating, 52. by military interference, 56. by riots, 57. by interference of peers and public officers, 57.

Elegit tenants by, cannot vote, 9.

Excise, what persons concerned in, are disqualified to vote, 2, cxxi. and may not influence elections, 57, xxvii. what persons concerned in, are disqualified as members, 58, xxxvii. clx. all commissioners beyond the number at the time of passing, 5 W. M. c. 7. disqualified by that stat. xxvii.

Evidence, poll best evidence of election, 97. authentication of, 98-9. 100-1. when legal evidence by coming from the proper custody, 98. entries in may be explained, not contradicted, 102. minutes of committees, of what matters, evidence, 102. title-deeds when permitted to be produced, 103. court-rolls, *ibid.* where parol testimony is received to supply the place of written documents, 104. authentic copy of an original document returned by Irish commissioners, 104. of agency, 105-6. whether agency or bribery should be first proved, 104-5. what matters an agent may testify, 106. whether privileged as a confidential adviser, 106. inspection of bankers' books, 107. to explain a last determination, 110.

Exchequer clerk or deputy in the offices, of auditor of, teller of, or chancellor of, disqualified as members, 59, lxxii. clxi. but not the chancellor's secretary, lxxiii. nor the auditor-general of, in Ireland, clxi.

Excommunication, whether it takes away the right of voting, 2.

F.

Felony, persons convicted of, cannot vote, 1.

Flour company, members of, declared capable of sitting in parliament, clix.

Freehold, nature of, 6. freehold tenure, *ibid.* freehold interest, 7. equitable freehold gives a right of voting, 12. 14. persons entitled to the rents and profits may vote, 13. title will sometimes be presumed, 9. of the annual value of the freehold, 15. it must be 40s., lxxvi. how estimated, 15. of the charges upon the land which reduce its value, *ibid.* 16, 17. parish and public taxes not to be deemed

such, lxxvi. the assessment is no proof of the annual value, 17. value of, in cities and towns being counties, 30, lxxx. of the year's possession of, in counties, 17. 19, lxxvi. in cities and towns which are counties, 30, lxxx. receipt of rents and profits a year before election necessary, unless it came by devise, &c. 19, lxxiv. vi. li. assessment of, to the land-tax, 20, lxxvi. assessment to the public taxes, repealed, lxxv. assessment for six months before the election for counties, 20, cviii. for twelve months in cities and towns, counties of themselves, 30, lxxxii. how far the description of the freehold on the assessment must agree with that on the poll, 21. both as to the name of the party, 23. and nature of the freehold, 23. what is a due assessment, 24. in the name of the owner, 24, cviii. of the tenant, 25, cviii. may be in the name of either, cviii. cxlviii. exemptions from assessment of annuities, rents, &c. 25, cviii. exemptions from assessments in the name of the voter of lands, &c. coming by descent, devise, &c. if assessed in the name of a predecessor, 27, cviii. exemptions in respect of offices, 28, cviii. in respect of land-tax, 28, clxix.

Freeholders, their oath, li. xlv. as now taken, 73, lxxiii. freeholders in cities and towns, 30. their oath, lxxix.

Freemen, right of voting, 37. admission of, 37-8. how to proceed when admission refused, 38, cv. whether necessary to enter admissions in a book, 37-8. if in a book it may be inspected and copied, cvi. payment of fees by candidate on voter's admission, whether bribery, 52. stamp for admission, when presumed, 37. where there is no superadded qualification, the admission must have been a year before the election, 38, lxxxviii. penalty for voting without such admission, *ibid.* except in the case of those entitled by birth, servitude, or marriage, *ibid.* penalty for antedating admissions, *ibid.*

G.

Garrison, soldiers not removed from, during election, 56, lxvii.

Gibraltar, those having offices in, civil or military, disqualified as members, lxxii. except officers in regiments there, *ibid.*

Glamorganshire, where the election must be holden, clxxxvii.

H.

Hackney coaches, deputies and clerks in the office of commissioners of, disqualified to be members, lxxii. chairs, who concerned in duties on, not to influence elections, xlix.

Hawkers and pedlars, who concerned in duties on, disqualified as members, lxxii.

Householder, 44, residence six months, 39, cxxxiv. in what cases unnecessary, *ibid.*

Housekeeper, 44.

I.

Imprest accounts, commissioners of, in Ireland, cannot be members, clxi.

Infant cannot vote, 1. nor be elected, 58.
 Idiots cannot vote, 1. nor be elected, 58.
 Inhabitants, right of voting of, 38. 44, cxxxiv. paying scot and lot, 39.
 See *Rate*. residence of, 42-3, cxxxiv.
 Inspectors for counties, 72, xxxiii. for cities and towns, &c. 73, lxxxiii.
 Irish parliament, persons disqualified for, disqualified for the united parliament, clx.
 Ireland, accepting place under lord-lieutenant of, how it affects the right of sitting, clxi. commissioners of the revenue in, not to be members, lxxii.

K.

King, process against his debtor not stayed by privilege of parliament, lxx.

L.

Land-tax, purchasers of, may vote, 11. redemption of, voter to prove, clxix. registry of, not necessary, clxxiv. what freeholds must be assessed to, lxxv. See *Assessment* and *Freehold*. Commissioners of, not disqualified, 2-3, cxxii. office of commissioner not to be deemed new office of profit, clviii.
 Last determination, final, 109, lxiii. cxlv. vi. when it may be questioned, 109. where evidence received to explain it, *ibid*. nature of the evidence, 110.
 Leaseholders, in what places they may vote, 30.
 Linen, persons concerned in duties on, not to influence elections, xlix.
 Lists, of the town, &c. to which particular poll booths are appropriated, 66, lxxvii. copy of, to be given to the candidates, *ibid*. lists of votes objected to, delivered to the clerk of the house, 92-3. how far objections taken at the trial to the voters are limited to those set forth in the lists, 93. the objections should be accurately stated, *ibid*. immaterial statements, 94. See *Committee*.
 London regulations for elections, lvi.
 Lunatics cannot vote, 1, nor be chosen, 58.

M.

Marriage. See *Freehold*, and *Freemen*. Persons concerned in duties on licences, not to influence elections, xlix.
 Memorials, of annuities and rent-charges, how made, and what they should contain, xci. may be inspected, *ibid*. See *Annuity*.
 Members, of the house of commons, who not eligible as, 58-9, 60. who incapable of sitting and voting, 59. what offices vacate the seats of members, but do not prevent their re-election, 59, 60, xliii. members not to be concerned in managing the duties of the revenue. See *Excise*, *Customs*, *Stamps*, &c. Penalty on persons sitting, who are disqualified, by 6 Ann, c. 7, xlv. qualification of, for counties, 600l. a-year, 61, xlv. for cities, &c. 300l. *ibid*. what oaths are to be taken before taking their seats, 61, xxiv. lxxxvii. at what hours, *ibid*. consequence of refusal, xxv. qualification, schedule of, to be

delivered to the clerk, lxxxvi. 61. oath of qualification taken before the election. See *Qualification*. Privileged from arrest, how to be sued, xli. lxix. c.

Minister, dissenting, 10. See *Orders*.

Minor. See *Infant*.

Minorca, what officers in, disqualified as members, lxxii.

Mint, master of, 22 G. 3, c. 45, does not extend to, clviii.

Mortgage, gives no right of voting to the mortgagee without possession, 12, xxiv. but the mortgagor in possession may vote, *ibid*. gives no qualification for parliament to the mortgagee without possession for seven years, 61, xlv.

N.

Navy, officers in, receiving new commissions, do not lose their seats, 60, xlv. commissioners of, employed in the outports, are disqualified to be members, xliii. so paymasters, their clerks and deputies, lxxii. so are contractors with the navy board, cxix. but the treasurer and comptroller of, are not, lxxiii.

New Shoreham, elections in, how regulated, ciii.

Nominees. See *Committee*.

Norwich, regulation of election, lxiv. excepted from the Durham act, lxxxix.

Notice of election. See *Election. Returning Officer*.

O.

Oaths, what to be administered at the election, by whom, and how, 73-4, cli. clxv. clxxi. See *Bribery*. What to be taken before the lord steward, 62. what to be sworn at the table of the house before taking the seat, 61. of the returning officer, as to the delivery of poll books to the clerk of the peace, 97. lii. for freeholders, the form now taken, lxxiv. old form, li. for freeholders in cities and towns, being counties, lxxx. for poll clerks, See *Poll Clerks*. For returning officer, See *Returning Officer*. Of candidate, as to his qualification, 69. See *Candidate*. To be certified into king's bench, or chancery, xlv. for voters in boroughs, &c. cxxx. of supremacy, &c., See *Members*. In scrutinies, See *Scrutiny*. Scotch elections, by whom administered, xlv.

Office, when it confers the right of voting, 7, 9, 10. lxxv. the emoluments must arise out of land, 10. where the lands are in a different county from that in which the office is executed, 10. assessment of, 23, 28, lxxv. new offices, holders of, disqualified as members, 58. what is a new office, 59. public offices, what placemen in, are disqualified, 59, lxxii. See *Excise, Stamps, Customs, &c.* What offices disqualify to sit in the house, but not to be elected, 59. resignation of such, *ibid*. what offices vacate a member's seat, but do not prevent a re-election, 60. for life, or so long as he behave well, does not disqualify, lxxiii. nor an office held by letters patent, for an estate of inheritance, cxix.

Occasionality, 18, 19, xxxiv. in burghage tenure boroughs, 35. where inhabitation forms part of the qualification, 39. See *Bonds*. Fraudulent conveyance to multiply votes void, 1. penalty for making, *ibid*.

Orders, priests, deacons, and ministers of the church of Scotland disqualified to sit in the house, clxiii.
 Ordinance, contractors with, cannot be members, cxxiii.
 Outlawry of voters, 2. of members, 58.

P.

Packet. See *Post Office*.

Pamphlets, those concerned in the duties on, not to persuade in choice of members, xlix.

Paper. See *Pamphlets, ibid.*

Parchment. See *Pamphlets, ibid.*

Papists, when and where disqualified to vote, 1. to be elected 58. See *Members*.

Parliament, once in three years, xxix. now to have continuance seven years, unless dissolved by the king, lv. to meet immediately after demise of the crown, and continue for six months, xli. if none in being, the last preceding one to be convened, xlii. prorogation of, not to dissolve committees, cxlvi. disqualification for the British or Irish parliament, disqualifies for the united parliament, cix.

Parties before committees, who may be, 95.

Pedlars. See *Hawkers*.

Peers, cannot vote, 2, nor meddle in elections, 57. heirs apparent of, requires no landed qualification, 61, xlv.

Penalty, on *returning officers* offending against, 7 and 8 Will. 3. c. 25. 500*l.*, xxxiv. against 10 and 11 Will. 3. c. 7. 500*l.*, xxxvi. for not certifying into chancery the oath taken by a candidate, 100*l.*, xlvii. for not administering bribery oath if required, 100*l.*, lxii. for any offence against the bribery act, 50*l.*, lxiv. obstructing the election of his successor, 100*l.*, xlix. on sheriffs, under 11 Hen. 4. c. i. xi. under 23 Hen. 6. xvi. on sheriffs omitting to deliver precept, 100*l.*, xvi. on returning officers omitting to make due returns, 40*l.*, xvi. on returning officer and town clerk of Coventry, for offences against, 21 G. 3. c. 54. cxvii. on presiding officers in London, lviii. on *clerk of the crown* for neglect of duty, 500*l.*, xxxi. on *clerk of the peace* not attending elections with annuity register, 100*l.*, xciii. refusing inspection, or copies of land-tax duplicates, 500*l.* with loss of office, cxiv. refusing inspection of freeman's admission, 100*l.*, cvi. on *persons intermeddling in elections* who belong to the excise, xxviii. or customs, xl. or post office, xlvii. or are concerned in other revenue duties, 100*l.*, xlviii. ix. on *members* who are concerned in the excise, xxxvii. or customs, xxxix. xl. or sit contrary to 6 Ann. c. 7. xlv. on members sharing in government contracts, 500*l.*, or contractors admitting them to a share, cxxiv.-v. on persons sitting who are disabled, by 41 G. 3. c. 52. 500*l.* per day, clxii. the same on clergymen sitting, clxiii. for displacing a member, xvii. on members offending against, 30 Car. 2. stat. 2. c. 1. xxv. on minors sitting or voting, xxxv. on pensioners sitting, 20*l.* per day, lvi. on voters taking bribes, 500*l.*, lxiii. on voters not qualified, li. lxxxiii. lxxxviii. lxxxv. cxx. or voting more than once, lxxvi. for making conveyances to divide votes, li. on persons contracting for returns, xxxi. clxii. for antedating the admissions of freemen, and refusing inspection of the books, lxxxviii. for neglecting to deliver assessment and land-tax duplicates, cx.

- Pensioners of the crown, when disqualified, 58-9, xliii. iv.
- Perjury, persons convicted of, cannot vote, 1, lxiii. false affirmation of quakers, xlv. returning officer, or voter swearing falsely, guilty of, lxiii. voter swearing falsely, guilty of, lxxiv. lxxx.
- Petition, jurisdiction for the trial of, 79. different sorts of, 80. who may subscribe them, 80. cxxxvi. cxliv. grounds of petitioning, 81. when taken into consideration, 81, 85, xciii. xciv. petition of appeal, 86, cxliv. notice of, by speaker, 85, xciii. renewal of, 81, clv. cxxxvii. if petition of appeal is not renewed within the proper time, judgment as to the right conclusive, 81, cxlv. time for presenting, 82. recognizance to be entered into by persons subscribing petitions, 83-4, cxxxvii. where parties reside more than 40 miles from London, 84. application for time, 84-5. withdrawing petitions, 85, cxxxix. when reported frivolous or vexatious, 107-8, cxlii. costs on such report, 107, 108, cxliii. how recovered, *ibid.* final determination of, 109, cxliv. v. sitting member may decline defending his seat, cxxxvi. proceedings thereupon, or upon his death, pending petition, cxxxvi. where either of the parties fail to appear, cxi. how long after speaker's notice, voters may petition to be admitted as a party to oppose the petitioner, cxxxvii. statements of the right to be given, cxliv. 40 days to intervene between presenting and hearing petitions of appeal, cxlv. successive committees to be chosen, whilst the house can supply the numbers required by law, clxvii. forms of, iv.
- Placemen. See *Offices, Ireland.*
- Plantations, governor, or deputy governor disqualified as members, xliii.
- Poll, taking, 66, 72, xxxiii. the freehold upon the poll must appear of sufficient value, 17. when opened, 70-1, to be granted, if duly demanded, *ibid.* xxxiii. cxxix. how long kept open, 70, 1, 2, 5, 6, cxxix. not to be adjourned without consent, xxxiv. at Southampton, must be adjourned if required to the Isle of Wight, xxxv. cxxxiv. copy of the poll to be granted, if required, upon payment, xxxiv. legal custody of, in whom, 97. See *Evidence.* To be delivered by sheriff to clerk of the peace, 97. production of, preliminary to entering upon the trial of petition, 97, 99. where it may not be requisite, 100.
- Poll clerks, appointment of, for counties, 66, xxxiii. their duties, 72, cxxxi. lii. lxxvii. entering freeholder's name, &c. 72, lii. for cities and towns, 67, 73, cxxxi.
- Potwaller, 44.
- Police magistrates, ineligible, *Note*, 61, clxxxix. where disabled to vote, 3. N. B. the statutes referred to in the note page 3, are expired, and the provisions re-enacted by 3 G. 4. c. 55. s. 14. clxxxix.
- Popery, declaration against, recusants disqualified and forbidden the king's presence, xxiv. v.
- Post office, post master, deputy, or any officer in, disabled to vote, 2, cxxi. and forbidden to intermeddle in elections, 57, xlvii.
- Precept, must be made forthwith upon receipt of the writ, and delivered in three days, 65, xxxii. See xv. in the cinque ports in six days, 65, xxvi. it should be directed, 65. how and when indorsed, 67, xxxii. election to be eight days after receipt of, *ibid.* form of, iii.
- Prizes, commissioners, sub-commissioners, secretary, and receiver of, disqualified as members, xliii.

Q.

Quakers, their affirmation to be received, xlv. declaration of fidelity at the election, cliv. guilty of perjury, if false, liii.
 Qualification, of voters for counties, 5, 6, &c. for cities, towns, and boroughs, 29. of members of the house of commons, 61, xlv. oath of, 69, 49, xvi. consequence of, refusal, *ibid.* whether a resolution of the house can render a person ineligible, 61. what persons require no qualification by estate, 61, xlv. when to be delivered to the clerk of the house, 61, lxxxvi. to be examined by the opposite party, 62, otherwise the election void, lxxxvii. acquired for the purpose of the election, 62. during the election, 63. persons disqualified for any parliament of England, disqualified for the parliament of Great Britain, xlv. the same as to Ireland, clix. the landed qualification for the united parliament may be situated either in Great Britain or Ireland, 61, clxxxviii. ix.

R.

Rates. See *Freehold*. Payment of, in scot and lot boroughs, 40, 43. fraudulent rating, 43. fraudulent omission, 40. persons omitted should use due diligence to be put upon the rate, 40. what is due diligence, 40, 43. where a refusal to pay the rate demanded disqualifies, 42. what amounts to a refusal, *ibid.* rate demanded of the wife, *ibid.* payment must be *bona fide*, but it may be excused, *ibid.* informality in making, 43.

Recognizance. See *Petition*.

Revenue officers. See *Excise Customs, &c.*

Rents, what give the right to vote, 9, liii. fee farm rents and rent charges when registered, 26. manner of registering memorial, xci. when claimed by descent, &c. *ibid.* when assigned, memorial of, *ibid.*

Residence, 42-3. oath of, may be qualified, 74. certain statutes requiring the residence of voters and candidates repealed, cvii.

Returning officer, to be annually elected into office, xlviii. cannot be elected to parliament for a place within his jurisdiction, 58. but the sheriff of Hampshire may for Southampton, *ibid.* for counties, his duty on receipt of the writ, 65. not to take fees for, xxxiii. when to deliver the precept, 65. to proclaim the day and place of election, 66. must proclaim it within two days after receipt of the writ, 65. cxix. where a contest is expected to prepare booths and places for administering oaths, 66. for cities and towns, counties of themselves, his duty on receipt of the writ, 67. for boroughs, his duty on receiving the precept, 67. to give notice of election, *ibid.* xxxii. cl. appointment of places for administering oaths, 68. proceeding to the election, *ibid.* his duties during the election, 68. time for beginning, *ibid.* xvi. reading the writ, 68. taking bribery oath, 69. lxii. acts necessary to be read, 69. when candidates are nominated, 69. administering oaths to them, which he is to certify into chancery, xlv. poll, opening it, 70-1. its continuance, and close, 72, 75-6. whether votes may be reserved for discussion after the close of the poll, 72, 75. appointment of poll clerks and inspectors with cheque books, 72-3. granting copy of poll, and de-

claring the numbers, 76. oaths, manner and place of administering, 73-4. when censured by the house, 74. as to the violation of a directory statute, *ibid.* votes, rules for the reception of, 75. where they are equal, *ibid.* granting scrutiny, 76. sheriff may examine voters on the evangelists, xiv.

Return to the writ, 76. within fourteen days after the election, xxxv. to the precept, 76, 77. by whom made, *ibid.* double where allowable, 75, 77-8. where not, and party grieved to have double damages, xxx. the same as to a false return, *ibid.* xxxvi. special return, 78, 80, cxxxii. amendment of, 78. contract to procure one void, and penalty for, xxxi. corruptly procuring one, penalty for, 54, clxxii. last determination upon the right of, 109. a return contrary thereto, a false return, xxx. book of returns to be kept by the clerk of the crown, and copy made evidence, xxxi. fees due to the clerk of the crown, xxxvi. sheriff neglecting to make one, may be sued, cxxxiii. power of justices of assize to enquire of returns in their sessions of assizes, xii.

Riots, where they avoid the election, 57. special return in consequence of, 78.

S.

Salt, what persons concerned in the duties on, are not to be members, xxvii. lxxii. nor to vote for the choice of members, cxxi.

Scot and lot voters, 39. See *Rate*.

Scotland, commissioners for the equivalent, not disqualified by 6 Ann, c. 7, xlv. for elections, may administer oaths, under 6 Ann, c. 7, *ibid.* xlv. 12 13 W. 3. extended to, ci.

Scrutiny, 76, cxxix. oath may be administered to persons consenting to take it, cxxxi.

Secretary, under, of state, not disqualified, lxxiii. nor secretary to the treasury, nor to the chancellor of the exchequer, nor to the admiralty, *ibid.*

Sexton, not an office, 9. 10.

Schoolmasters possessing annual salaries, and not removable, may vote, 10.

Sick and wounded, commissioners of, disqualified, xliii.

Silks, persons concerned in the duties on, not to intermeddle in elections, xlix.

Soap, those concerned in the duties on, not to meddle in elections, xlix.

Soldiers, removal of, from place of election, 56, lxxvii. what places excepted, *ibid.* their right of voting not taken away, *ibid.*

Sheriff. See *Returning Officer*.

Speaker, to issue warrants for writs in vacation, 64, cxxvi. to give notice of the meeting of committees to petitioners and returning officers, cxxxii. cxxxvi. may authorize a certain number of members to execute the powers given him by 24 G. 3. c. 26, cxxvii. See *Committee, Petition*.

Stamps, who concerned in duties on, not to vote, cxxi. not to be members, lxxii. clx.

Statements of right of election, or choosing returning officers, 88. 109, cxliv. See *Committee, Petition*.

Statute merchant, staple tenants by, cannot vote, 9.

Stuffs, persons concerned in the duties on, not to meddle in elections, xlix.

T.

Travelling, payment of voters' expences for, whether bribery, 52. or treating, 53.

Tenant right, lands held in, give no right of voting, 7.

Tithes, of sufficient value, give a right to vote, 7, liii.

Taxes. See *Freehold*.

Treasury, clerk or deputy in the office of the lord high treasurer, or commissioners of the treasury, cannot be a member, lxxii. persons contracting with, disqualified, cxxiii. commissioners of, may be members, xxvii. and secretary, lxxiii. so commissioners and secretaries of, in Ireland, clx.

Transports, commissioners of, cannot be members, xliii.

Treating, 52. may not amount to bribery, though illegal, 52. entertainment ordered and countermanded under particular circumstances held not to be, 53. effect of, at the particular election, 55, xxx. at a future election, *ibid*.

Trustee cannot vote unless in actual possession, 12, xxxiv.

U.

Universities, members for, require no landed qualification, 61, xlv. nor members for the college of the Holy Trinity, Dublin, 61.

V.

Vacancy. See *Speaker*.

Vellum, persons concerned in the duties on, not to intermeddle in elections, xlviii.

Victualling office, commissioners of, not to be members, lxxii. nor persons contracting with, cxxiii.

Votes thrown away and lost, 47, 8, 9. See *Qualification*. Must be properly tendered at the poll, 71. *Vide Poll*. Double, how to poll, 72, only one vote to be given for one tenement, xxxiv. whether they may be examined after the poll is closed, 72. equality of, 75. lists of such as are objected to delivered to the clerk of the house, 92. *Vide Committee. Returning Officer*.

Voter, case of, re-argued, 95. to vote only once, lxxvi. lxxxiii. See *Poll. Bribery. Treating*.

W.

Wales may return members for the shires and certain shire towns, xviii. wages of such members, xx.

Wardmotes. See *London*.

Window and house-tax, collectors of, &c. not to vote, cxxi. but they may vote if appointed by the commissioners of the land-tax, 3.

Wine licences, commissioners of, xliii. clerks and deputies not to be members, lxxii.

Writ, issuing of, for a general election, 63. upon a vacancy, *ibid.* delivery of to the proper officer, 64. through the post-office, except when the office of sheriff is within five miles of London, clxxv. indorsement of, 65. See *Returning Officer*. Must contain a clause that the return shall be sealed, xi. form of, i.

Women cannot vote, 1.

Y.

York, regulations for the election, xxxv. lii.

PART II.

INDEX TO THE STATUTES FOR IRELAND AND SCOTLAND.

IRELAND.

A.

ABODE of voters to be entered on poll book, cciii. See *Counties of Cities and Towns*.

Affidavit of registry need not be stamped, ccxxvii. when valid, cclxxxi. form of entry, cclxxxii.

B.

Booths. See *Counties of Cities and Towns*. For polling, when a contest is expected, cxcix. clerks appointment of, *ibid.* at all elections (except for knights of the shire) where more than two hundred voters have polled, cc. See *Election*.

Bribery of voters, ccv. oath against, cclxxvii.

C.

Casting vote. See *Returning Officer*.

Certificate, of having taken the necessary oaths, to be produced by Roman catholic voter before voting, cxcvi. ccxxix. of registry, where evidence, ccxx. cclxxii. forgery of, cclxxxvii. what certificate to be allowed by clerk of the peace, cclxiii. new certificate where allowed, cclxiv.

Cities. See *Counties of Cities and Towns*.

Coleraine, proceedings at the election, ccxxx.

Counsel. See *Petitions*. Not to plead before returning officer or deputy, ccv. during the business of the poll, cclxxvii. but may be employed by returning officer, and candidate contribute to the expence, ccv. where he is permitted to argue points of law, cclxxvii.

Counties of cities and towns, provisions of former acts relating to, repealed by 4 G. 4. c. 55, ccxciii. sessions for registry of freeholders, ccxciii. oaths of freeholders above 20l. ccxciv. vi. of freeholders under 20l. ccxcv. vi. where freeholds do not arise from a deed or lease, ccxcvi. what a charge upon the freehold, *ibid.* registry of freeholders on actual military service, ccxcvii. a stamp required on

registering a freehold by virtue of a written instrument, cccxvii. certificate of, cccxviii. registry of freeholds, ccc. ii. iii. duty of clerk of the peace as to the registry, *ibid.* cccix. when a 40s. freehold is let, how it affects the vote, ccciii. fraudulent conveyances of, *ibid.* minor cannot vote, *ibid.* when trustee or mortgagee may vote, ccciv. *freemen*, books of admission of, ccciv. v. time of admission to qualify a voter, cccv. sheriff's duty on receipt of the writ, and proclaiming the election, cccv. *poll*, when it is to begin, and its continuance, cccvi. cccxxi. when additional polling places required, cccvi. not to be closed on account of riots, cccxxiii. poll books to be delivered to the clerk of the peace, cccxxiv. oaths of returning officers and deputies, cccvii. of poll clerks, *ibid.* disputed votes, how decided, cccviii. inspectors, agents and interpreters, cccix. deputy of clerk of the peace, his attendance, cccx. copy of the roll of freemen to be provided, cccxi. oaths required at the election, *ibid.* certificate where evidence of registry, cccxii. questions to be put to voters, cccxiii. xiv. how the deputy shall proceed where the entry of the freehold is not in the registry book, cccxiv. proceedings of the returning officer when a voter is objected to, cccxv. under what circumstances to be rejected, cccxvii. xviii. improper votes to be taken off the poll, *ibid.* power of returning officers during the poll, cccxix. as to a casting voice, cccxxii. deputies, their duties and liabilities, cccxx. xxi. proceedings on the death or illness of the sheriff, cccxxii. returns when made, cccvii. no more candidates to be returned than required by the writ, cccxxii. the return to certify the numbers who voted, and the candidates names, and be evidence thereof, cccxxiii. minors cannot be elected, cccxxiv. oath of the clerk of the peace, cccxxv. treating not allowed, cccxxv. residence not requisite for freeholders under 20s., cccxxvi. persons not to poll twice, cccxxvii. mode of recovering penalties, cccxxviii.

D.

Deputy, to returning officers, to be appointed, cc. may be renewed upon public proclamation, ccii. to refer to the registry book, cclxxi. instructions to be observed by, cclxxvi—vii. cccxx. qualification of deputy sheriffs, cclxxix. neglect of duty by, cclxxxviii.

E.

Elections for counties, where held, cxcix. how soon after proclamation, cclxix. how sheriff should hold and adjourn them, *ibid.* when holden by virtue of a precept. See *Precept*. For cities and towns being counties, cxcix. but see *Counties of Cities* and *Counties of Towns*, with respect to which former provisions are repealed [by 4 G. 4, c. 55. questions respecting the right of election, are to be decided as in England, cccix. proceeding at elections, where more than 800 freeholders are registered in one barony, cclxix. clerk of the peace to appoint an attendant with the registry book, cclxx. [examination of voter, cclxxii. where no oath on question requisite, cclxxiii. memorandum to be made of objections to voters, cclxxiv. when counsel may argue points of law, but not examine voters, cclxxvii. See *Counsel*. Regulation of expences at elections, cclxxxix. for trial of, See *Petitions*.]

F.

Freehold, when a freehold under 20*l.* gives a right to vote, ccvi. vii. ccx. ccxv. new regulations as to, by 45 G. 3. c. 59. ccli. in counties of cities and counties of towns. See *Counties of Cities, &c.* clergymen need not register ecclesiastical freeholds, ccx. what is deemed a charge on the freehold, ccxv. grant of fraudulent freehold, valid against the grantor, cclv. names of registered freeholders to be entered in a book, cclxxxiii. printed copies of registry proceedings, respecting, *ibid.*

Freeman, to be admitted six months before the election, unless by birth, &c. ccvii. ccv.

L.

Londonderry, proceedings at the elections, ccxxx.

M.

Minors, cannot vote, ccvi. cannot be elected, ccxxiii.

Mortgage. Mortgagee cannot vote, unless he has been twelve months in possession, ccvii. but the mortgagor in possession may, *ibid.*

O.

Oaths. See *Counties of Cities and Towns*. Of allegiance, supremacy or abjuration, what offices papists may hold without taking, cxciii. declaration and oath to be taken instead, *ibid.* of allegiance and abjuration necessary for degrees in Trinity College, Dublin, cxcvi. what oaths are necessary to enable papists to have the benefit of, 33 G. 3. c. 21. *ibid.* what to give them the benefit of, 37 G. 3. c. 47. cclxii. names of persons taking them to be entered on rolls for that purpose, of which the party is to receive a certificate, which he must produce at the election in order to vote, *ibid.* See *Returning Officer*. Oath of having registered the freehold six months before the election, ccvii. the rent-charge twelve months before, ccix. of the registry of 50*l.* freeholders, ccix. need not have been made within eight years, ccx. to be taken by rent-chargers and freeholders before they poll, ccxii. cclxii. how far repealed, by 1 G. 4. c. 11. cclxxvii. where the rent-charge is not by deed, ccxxvii. bribery oath, ccxvii. to be administered by returning officer on request, cclxxvii. oath that voter is 21, ccxiv. of residence, ccxiv. of registry in boroughs, ccxv. ccxviii. of voter on the desire of candidate or other voters, ccxviii. ccxxviii. conclusive evidence to the returning officer of voter's qualification, ccxix. of freeholders under 45 G. 3. c. 59. cclii. -iii.-iv. oath at the election must conform with that on the registry, ccliv. of registry, what statements in, are sufficient, cclxi. oath of 50*l.* or 20*l.* freeholders may omit the parish, cclxxv. oath, where the borough is in different counties, ccxix. oath of registered freeholders, not annuitants, ccxxiii. oath, by 50*l.* or 20*l.* freeholders not voting for a rent-charge, ccxxiv. of such freeholders before

polling, ccxxx. of freeholders under 20l. *ibid.* oath and declaration by papists, *ibid.* oath of clerk of the peace, cclv. cclxiii. names of persons taking oaths transmitted to the rolls office, cclxiii. oath of allegiance, form of, cclxv.
 Offices, new ones disqualify the holders, ccxxxv. offices for life do not disqualify, ccxxxvi. exceptions, *ibid.*

P.

Papists, may have real property, disabilities against removed, exci. not required to take oaths of allegiance and abjuration before voting, excii. to perform all qualifications, &c. as protestants, *ibid.* who qualified by estate, or otherwise to keep arms, *ibid.* not to sit in parliament, or hold certain offices without taking the oaths, &c. required by law, cxcv.
 Petitions, trial of, regulated by the British statutes, ccxxxvii. ix. what the petition must contain, ccxxxvii. appointment of commissioners to examine witnesses, ccxxxviii. ix. ccxl. of chairman, ccxl. regulations as to the proceedings before the commissioners, ccxlii. iv. v. viii. cclviii. cclxviii. who may be commissioners, cclviii. no counsel to be employed, ccxli. evidence rejected by commissioners, may be transmitted to the committee, ccxli. when the select committee is to meet, ccxlvii. cclxvi. power of, *ibid.* cclix.
 Poll, to be kept open seven hours a-day, unless by consent of all the candidates, cc. deputy to give up his poll book every day to the returning officer, who shall sum up the number, cci. when the poll must begin, and its duration, cclxvii. cclxxviii. ix. to whom the book delivered, cciii. cclxviii. punishment for polling twice, or personating voter, cclxxxv.
 Poll clerk, oath and duty of, cclxxxviii.
 Precept, to be issued within four days after receipt of writ, excix. to whom, *ibid.* from whom the sheriff shall receive it, *ibid.* duty of the officer to whom it shall be issued, *ibid.* the election holden by virtue of it to take place within twenty days, and where, excix.
 Perjury, under 35 G. 3. c. 29. penalty of, ccxxii. informers exempted, ccxxiii.

Q.

Quarter sessions, justices may adjourn, ccxviii. adjournments of adjournments, cclvi. where the sessions lapse, *ibid.*
 Qualification, the same in Ireland as in England, ccxxix. as to the members for the university, ccxxxvi. the same persons disabled for the united parliament, who were so for the British or Irish parliaments, ccxxxi. what persons disabled, ccxxxiv.

R.

Recognizances, time for receiving enlarged, cclx.
 Registration. See *Counties of Cities and Towns.* Of freeholds and rent charges. See *Oath.* Certificate of to be given by clerk of the peace, cax. who is to enter the freeholds registered in a book, ccx. copies

- of, to be given, ccxii. adjournment of quarter sessions for the purpose of, ccxii. punishment for assuming registered freeholder's name, 35-54. registration of inhabitants of boroughs, ccv. ccxviii. Registrating of, 50*l.* or 20*l.* freeholds, ccxxiv. book of registration to be a record, and how kept, ccxvi. to be inspected, and how, ccxvii. ccxviii. ccxxii. inhabitants must be registered 12 months before the writ issues, ccxx. registration of freeholders in the army, ccxxvi. the registry not impeached by irregularity in the sessions, ccxxvii. registry of freehold in a county of a city or town, ccxxviii. copies of registers to be given by the clerk of the peace, cclv. the instrument by virtue of which the freehold is registered must be stamped, cclxxxiv. 1 G. 4. c. 11. not to affect the franchises of those previously registered, cclxxxviii.
- Rent charges, under what conditions they qualify persons to vote, ccvi. must have been registered within 8 years before election, ccviii. and at least 12 months before, ccix. See *Counties of Cities and Towns*.
- Return, no more persons to be returned than required by the writ, ccil. contracts for making void, cciii. Of precept on a *general election*, to be made six days before the return of the writ, cciv. on a session or prorogation, within 30 days, cciv. to a writ on a general election, to be made on or before the return day, cciv. during *session or prorogation*, to be made in forty days, *ibid.* See *Counties of Cities and Towns*.
- Returning officer, oath to be taken by, cci. to have a casting voice, ccii. how, where there are two sheriffs and the votes are equal, ccxxvii. to take no fee, cciii. penalty on, for unnecessary delay, *ibid.* to deliver the poll book upon oath within 20 days to the clerk of the peace, cciii. to require the registry book to be delivered to the churchwardens as soon as he receives the writ, ccxviii. may decide upon a vote where the deputy is incompetent, ccxxvii. to appoint persons to administer oaths, &c. cclxii. how to indorse the writ and proclaim the election, cclxviii. to attend at a separate booth and decide disputed votes, cclxix. to appoint interpreters if required, cclxx. their oath, cclxxi. proceedings in receiving or rejecting votes, cclxxv. his powers, cclxxix. his expences, cclxxxi. proceedings on his death or illness, cclxxx.
- Riots, at the poll, no excuse for closing it, but it may be adjourned, ccii. rioters liable to transportation, *ibid.*

S.

Sessions. See *Registry*.

V.

Voting right of, revenue officers cannot vote, ccl. exception, ccli.

SCOTLAND.

B.

BRIBERY act, extended to the election of delegates, ccclx. repealed as to the returning officers, ccclxii.

C.

Commissioners. See *Oaths*. For choosing burgesses, making out commission to, ccclviii. penalty for misbehaviour, *ibid.* proceedings in the absence of presiding commissioner, *ibid.* commissioner need not be resident, &c. ccclix. appointment of a day for the election of, ccclxiii.

E.

Election. See *Oaths*. Precepts to be issued four days after receipt of the writ, ccclxv. and borough council to be summoned two days after, *ibid.* council to appoint a day for electing delegates, *ibid.* what boroughs shall preside at, ccclxvii. what votes shall be allowed at the election of burgesses, ccclix. where presiding borough is reduced, the next in turn to be the presiding borough, ccclxv. notice of election to be directed within six days after receipt of the writ, ccclxv. appointment of the day of election, *ibid.*

F.

Freeholders. See *Oaths*. *Infeoffment*. *Inrollment*. *Qualification*.

I.

Infeoffment, ccclx. none upon a redeemable right, except proper wadsetts, &c. qualifies to vote, ccclxi. when husbands to vote on wife's infeoffments, ccclxii. necessary one year before a purchaser is inrolled, cccli.

Inrollment. See *Infeoffment*. **Voter.** Of heir apparent, cccli. persons inrolled though absent, *ibid.* the roll last made up forms the original constituent members, cccli. and is to be used at the next election, ccclii. minute books to be produced at public meetings, *ibid.*

M.

Members, election of, cccxxx. cccxxxii. upon a vacancy, cccxxxii. qualification of, ccclvi.

Michaelmas head court, when to be held, ccclv.

Magistrates, in election of, the minority not to separate from the majority, ccclvii. application to the court of session upon wrongs by the majority, ccclvii. how magistrates and counsellors are to take the oath, *ibid.*

O.

Oaths, that the estate of qualification is not a trust estate, cccxli. abjuration oath, and quakers' declaration to the same effect, must be taken by a voter, cccxliii. of freeholders, cccxliv. at the choice of preses, cccxlvii. member before taking his seat must take the freeholder's oath, cccli. oath of magistrates at the election of burgesses, cccxli. of common clerk at the election of commissioners, *ibid.* of clerk of the presiding borough, *ibid.* of the clerk at the election for a county or stewartry, ccclxii. oath of trust and possession may be tendered to any person voting for preses, ccclxviii.

O.

Occasionality, old extent of lands not to be divided to multiply votes, cccl.

Orkney and Zetland, writs for election, when published, ccclxvii.

P.

Peers, election, cccxxix. proclamation for electing, cccxxxv. oaths and declarations, cccxxxvi. how absent peers to take the oaths, cccxxxvii. proxies, *ibid.* not to treat of other matters than the election, cccxxxviii. proceedings on the death of an elected peer, cccxxxix.

Precept, indorsement of, by chief magistrate, ccclxiii.

Preses, where votes in the choice of are equal, who shall have the casting voice, cccliii. to be chosen by the majority of freeholders, *ibid.* minutes of the election to be delivered to him, cccliv.

Q.

Qualification, infeoffment must be taken and seizin registered a year before the election, cccxl. See *Infeoffment*. Judges and barons of the exchequer disqualified to sit in parliament, cccxlv. qualification of candidates and electors, ccclv. lands must be holden immediately of the king or prince, ccclv. lands held partly of the king, and partly of a baron, give the qualification, ccclvi. what revenue officers disqualified to vote, ccclxvii.

R.

Return, penalty for neglecting to return the person duly elected, cccxvi. by whom made, cccliv. to be annexed to the writ, *ibid.* com-

plaints against undue returns commenced in six months, cccxvi.
sheriff to annex the returns of the boroughs to the writ, ccclix.

S.

Sutherland, meeting of freeholders to make the roll, ccclvi.
Session, court of to grant warrants in fifteen days, for the redress of
wrongs at the inrolling at elections, ccclxiv.

V.

Voters, oaths and declarations to be taken by, cccxl. must be infeoffed
and seisin registered a year before the election, cccxl. See *infeoff-
ment*. See *Oath*. Rolls of electors how made up, cccxlviii. ix. free-
holder objecting to, may appeal to the court of session, *ibid.* cccl.
proceedings on claiming to be inrolled, or objecting to others, cccl.
what revenue officers cannot vote, ccclxvii.

W.

Writ, issuing of, upon a new parliament, ccclxii. six days after the
receipt of, sheriff to direct notices to be given for elections, ccclxv.
who to execute, ccclxvi.

THE END.





